

SAN FRANCISCO PUBLIC LIBRARY



3 1223 06447 2344

5/5



San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library



Digitized by the Internet Archive
in 2012 with funding from
California State Library Califa/LSTA Grant

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, January 9, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Alicia Becerril

Haig Baghdassarian

Shirley Dimapilis

Malcolm Heinicke

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

JAN 2 2003

SAN FRANCISCO
PUBLIC LIBRARY

01-02-03P04:27 RCVB

Human Rights Commission

City of San Francisco

Page 1 of 1

Regular Meeting Agenda

January 12, 2011

5:00 PM

City Hall, Room 400

Mayor's Office

City Clerk's Office

City Attorney's Office

City Treasurer's Office

City Controller's Office

City Planning Commission

City Public Works Commission

City Housing Commission

City Cultural Commission

City Parks and Recreation Commission

City Library Commission

City Arts and Entertainment Commission

City Economic Development Commission

City Labor Relations Commission

City Civil Service Commission

City Board of Supervisors

City Board of Directors

City Board of Trustees

City Board of Advisors

City Board of Consultants

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna.Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.ci.sf.ca.us/sunshine.htm>.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site <http://www.ci.sf.ca.us/ethics>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. COMMISSION ELECTION OF CHAIR AND VICE-CHAIR FOR HUMAN RIGHTS COMMISSION

[☞Action Item *No Attachment*]

6. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[©Discussion Item *No Attachment*]

7. REPORT OF THE DIRECTOR

a. Chapter 12.D.A. Waiver Report for December (Fields)

[©Discussion Item *Attachment to be provided at meeting*]

b. Possible approval of resolution commending former Chair Ghada Saliba-Malouf for her service to the Human Rights Commission (Delgado)

[©Discussion Item ☞Action Item *Attachment to be provided at meeting*]

8. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION OPPOSING THE PATRIOT ACT AND CRACKDOWN ON CIVIL LIBERTIES (ASERON)

[©Discussion Item ☞Action Item *Attachment to be provided at meeting*]

CLOSED SESSION

9. EXECUTIVE SESSION

a. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon for Pay-For-
Performance Program

10. RECONVENE IN OPEN SESSION

- a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[☞Action Item]

RETURN TO REGULAR BUSINESS

**11. FINAL HEARING FOR THE EVALUATION OF REAUTHORIZATION OF THE
MINORITY/WOMEN/LOCAL BUSINESS ENTERPRISE 12.D.A. ORDINANCE -
BEGINNING PROMPTLY AT 5:30 P.M.**

[©Discussion Item No *Attachment*]

**12. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS**

13. ADJOURNMENT

HRC CALENDAR: January 2003

1	New Year's Day		
2	- CANCELED – Employment Committee Meeting		<i>Next meeting 02-06-03</i>
7	LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
8	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
9	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
14	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
15	M/W/LBE Advisory Committee Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
16	Youth and Education Advisory Committee	5:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	Martin Luther King, Jr. Day		
21	LGBT Advisory Committee's Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
23	Regular Commission Meeting		

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, January 23, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Alicia Becerril

Haig Baghdassarian

Shirley Dimapilis

Malcolm Heinicke

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

JAN 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.ci.sf.ca.us/sunshine.htm>.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site <http://www.ci.sf.ca.us/ethics>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[©Discussion Item *No Attachment*]

6. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. December 2002 Quarterly Report (Villacarlos/Kanios)
[©Discussion Item *Attachment provided*]
- b. Presentation of resolution commending former Chair Ghada Saliba-Malouf for her service to the Human Rights Commission (Delgado)
[©Discussion Item *No Attachment*]

7. PRESENTATION OF RECOMMENDATIONS FOR RE-AUTHORIZATION FOR 12.D.A ORDINANCE (FIELDS)

[☞Action Item *Attachment to be provided at meeting*]

8. HRC DIVISION REPORT

Equal Opportunity Division:

- a. Discussion of possible MBE/WBE/LBE Certification of City Employees (Fields)
[©Discussion Item *Attachment provided*]

9. COMMITTEE REPORTS

a. Employment Committee

Commissioner Larry Lee, Co-Chair

Commissioner Malcolm Heinicke, Co-Chair

Commissioner Wilfred Hsu, Co-Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

- i. Committee Planning Report for upcoming year
[©Discussion Item *No Attachment*]

b. Issues Committee

Commissioner Haig Baghdassarian, Co-Chair
Commissioner Johnnie Rollins, Co-Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

- i. Report of December 11, 2002 Committee Meeting
[©Discussion Item *No Attachment*]
- ii. Update on 01-09-03 public comment from Brian Basinger
[©Discussion Item *Attachment provided*]

c. Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Martha Knutzen, Chair
Commissioner Theresa Sparks, Vice-Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. No Report.

d. MBW/WBE/LBE Advisory Committee

Commissioner Shirley Dimapilis, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Charles Ward, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. No Report.

e. Youth & Education Committee

Commissioner Shirley Dimapilis, Co-Chair
Commissioner Johnnie Rollins, Co-Chair
Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

- i. Report of December 19, 2002 Committee Meeting
[©Discussion Item *No Attachment*]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

HRC CALENDAR: February 2003

1	Chinese New Year		
4	LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
6	Employment Committee Meeting	1:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
11	(Eid) al Adha		
11	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
12	Lincoln's Birthday		
12	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
13	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
14	Valentine's Day		
17	President's Day		
18	LGBT Advisory Committee's Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
19	M/W/LBE Advisory Committee Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	Youth and Education Advisory Committee	5:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	"How to Use your Certification" Workshop – Dpt. of Public Works	10:00 a.m. – 12:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
27	Regular Commission Meeting	4:30 p.m.	City Hall, Room 416

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

FEB 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, February 13, 2003
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

FEB 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.ci.sf.ca.us/sunshine.htm>.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site <http://www.ci.sf.ca.us/ethics>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[ⓈDiscussion Item *No Attachment*]

6. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for January (Kanios)
[ⓈDiscussion Item *Attachment provided*]
- b. Report and possible approval of HRC budget for fiscal year 2003-04 (J.O. Smith)
[➡Action Item *Attachment provided*]

7. UPDATE ON MARCH 13 HRC PUBLIC HEARING IN ENVIRONMENTAL RACISM (RATHBONE)

[ⓈDiscussion Item *No attachment*]

8. DISCUSSION AND POSSIBLE ACTION ON WHETHER OR NOT THERE SHOULD BE MBE/WBE/LBE CERTIFICATION ELIGIBILITY OF CITY EMPLOYEES

(Continuation From 01-23-03 HRC Meeting) (NG)

[➡Action Item *No Attachment*]

9. COMMITTEE REPORTS

a. **Lesbian Gay Bisexual Transgender Advisory Committee**

Commissioner Martha Knutzen, Chair

Commissioner Theresa Sparks, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of January 21, 2003 Committee Meeting

[©Discussion Item No Attachment]

b. **MBW/WBE/LBE Advisory Committee**

Commissioner Shirley Dimapilis, Co-Chair

Commissioner Charles Ward, Co-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

i. Report of January 22, 2003 Committee Meeting

[©Discussion Item No Attachment]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

AGENDA NOTE

The action item "Presentation of Recommendations for Re-Authorization for 12.D.A Ordinance" originally scheduled for the HRC's January 23, 2003 meeting will be heard at the HRC next regular meeting, February 27, 2003 at 6:00 p.m.

HRC CALENDAR: February 2003

1	Chinese New Year		
4	LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
6	Employment Committee Meeting	1:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
11	(Eid) al Adha		
11	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
12	Lincoln's Birthday		
12	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
13	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
14	Valentine's Day		
17	President's Day		
18	LGBT Advisory Committee's Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
19	M/W/LBE Advisory Committee Meeting	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	Youth and Education Advisory Committee	5:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	"How to Use your Certification" Workshop – Dpt. of Public Works	10:00 a.m. – 12:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
27	Regular Commission Meeting	4:30 p.m.	City Hall, Room 416

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

To: Chair Malcolm Heinicke and Members of the Human Rights Commission

From: Melinda Kanios, Contract Compliance Officer

Date: February 13, 2003

Subject: January Waiver Report

DOCUMENTS DEPT.

FEB 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

Per your request, please find documentation supporting the waivers granted and those denied during the month of January. A brief synopsis of each waiver request and basis for its determination is included.

No. 1 SOLE SOURCE Department of Public Health requested a waiver for Crestwood Behavioral Health, Inc. to continue to provide long term patient care to the severely mentally ill patients that were placed at this facility.

This waiver was granted because San Francisco's only locked care facility lacks the capacity to handle all patients who require long term care. These services were originally awarded through a RFP. However, moving the patients would be very disruptive and likely increase inpatient hospitalizations.

No. 2 SOLE SOURCE Department of Reproduction & Mail Service requested a waiver for A B Dick for continued maintenance of two printing presses.

This waiver was granted because DR&M has not been successful in their efforts to find another service company to provide maintenance services for two legacy printing presses. DR&M anticipates removing the presses next fiscal year.

No. 3 SOLE SOURCE Department of Public Health requested a waiver for P.B. Strategies to provide oversight and assistance to the DPH in managing capital improvement projects.

This waiver was denied because these services were originally put out to bid and DPH will begin a new process for future contracts in the spring 2003.

No.4 SOLE SOURCE Municipal Transportation Agency (MTA) requested a waiver for Karen Antoin Consulting, LLC to provide expert advice in developing a strategic plan for the TransLink program. Six Bay Area transit agencies along with the Metropolitan Transportation Commission are participating in a demonstration program (Phase I) for a regional fare collection



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
<http://www.ci.sf.ca.us/sfhumanrights>



system using a universal fare card system and the latest in "smart card" information technology. MTA is intending to participate in Phase II.

This waiver was granted because Karen Antoin possesses the extensive experience and expertise required to facilitate negotiations of a participation agreement and strategic plan that would protect the MTA's financial interest. (More than \$80 million of Muni fare revenues will eventually be processed by the TransLink system). Ms. Antoin was one of the original advisors to MTC as it considered alternatives for a governance structure for TransLink and set a financial arrangements that would fairly and equitably distribute the cost of the TransLink program between the participating members. Ms. Antoin, as Chief Technology Officer for the Port Authority in New York and New Jersey, had direct responsibility for developing and successfully implementing the E-Z Pass System- a regional toll collection system, which ultimately comprises of eighteen (18) toll agencies spanning seven states. Ms. Antoin also has extensive experience in the banking industry.

No.5 SOLE SOURCE SF War Memorial & Performing Arts Center requested a waiver for International Fire Equipment Co. to provide fire system testing.

This waiver was granted because no firms submitted bids for this project. There is no compliant contractor available to perform this service.

No. 6 SOLE SOURCE Department of Public Health requested a waiver for Quest Diagnostics, Inc. to acquire clinical laboratory services for the DPH Community Mental Health Services (CMHS).

This waiver was granted because of the five providers that responded to the RFP, Quest Diagnostics was the only firm that accepted walk-in business and had the most number of sites accessible by CMHS clients.

No. 7 SOLE SOURCE The Controller's Office requested a waiver for Cognos, Inc. to provide maintenance of software used in the City's financial management information system.

This waiver was granted because Cognos, Inc. provides the proprietary software tools used to create, maintain and run the City's Executive Information System. EIS is an integrated extension of FAMIS, the City's central financial management information system. Without Cognos' support, the City would have to discontinue use of EIS.

No. 8 SOLE SOURCE MTA requested a waiver for Orange Empire Railway Museum (OERM) to purchase three historic streetcars originally in service in San Francisco.

This waiver was granted because OERM is the only entity that has two President's Conference Committee (PCC) cars and one Type B car. These particular vehicles were originally in service in San Francisco. The PCCs (numbers 1033 and 1039) were delivered in 1951. The Type B car (number 162) was delivered in 1959.

No. 9 SOLE SOURCE Port requested a waiver for Titan Maritime to provide emergency work to undertake salvage operations.

This waiver was granted because an emergency was declared to recover Dry Dock #1 and transport it to a safe harbor. The dock is presently aground on the southern end of Yerba Buena Island.

No. 10 SOLE SOURCE Port requested a waiver for Brusco Tug and Barge that provided tug services.

This waiver was granted because an emergency was declared to recover Dry Dock #1. Brusco provided emergency tug service to maintain the position of the dock that went aground.

No. 11 SOLE SOURCE Public Health requested a waiver for Abbott Laboratories to continue to provide test kits and lab supplies.

This waiver was granted because the supplies are physician recommended and only supplied through Abbott. These kits are used in the diagnosis of Hepatitis, Rubella, Chlamydia and Gonorrhea infection and day to day hospital operations. These products are the most accurate and encompassing both sensitivity and specificity.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

DOCUMENTS DEPT.

FEB 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

To: Chair Malcolm Heinicke
Members of the Human Rights Commission

From: Cynthia G. Goldstein 
Senior Contract Compliance Officer

Date: February 5, 2003

Re: HRC Budget for Fiscal Year 2002-2003

Joyce Smith, Operations Coordinator for the Human Rights Commission, will brief you on your draft budget at the next commission meeting, February 13, 2003.

As you know, the City faces a \$320-350 million budget shortfall for the upcoming fiscal year. All City departments have been asked to submit a budget that reflects a 6% General Fund reduction and that absorbs labor cost increases (of approximately 4%). In addition, departments must submit a contingency plan reflecting an additional 10% General Fund reduction. Unfortunately, the proposed reductions will give us no flexibility in the coming year for new initiatives and will not leave sufficient funds to cover current staff costs.

While the Mayor's Budget Office has yet to finalize the budget reduction we must make, as of today, we have been asked to reduce the Commission's budget by approximately \$152,270. If the contingency plan is put into effect, our reduction may be as much as \$367,513. This represents anticipated cuts of approximately 8% to the total HRC budget (including General Fund, Work Order and all other funding sources).

The attached budget document reflects our proposal to address the General Fund reductions required by the Mayor's Budget Office while fulfilling the Mayor's directive to avoid a reduction in direct services. The increase in salary adjustments reflects the Mayor's mandate to reduce the General Fund budget by \$152,270. We will be looking to address the requested reductions by increasing the utilization of funds provided to us by other departments. Depending on the results of negotiations between the Mayor's Office and the labor unions representing HRC staff, other savings may come in the form of mandatory furloughs or, as a last resort, personnel layoffs.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



The following is a list of significant dates from the budget calendar issued by the Mayor's Budget Office:

Final Budget submission to Controller	February 21
Program Expenditure and other reports to Controller and Mayor	February 21
Controller's submission to the Mayor	March 1
Mayor's Office review of department requests	March & April
Mayor's recommendation to the Board – no later than	June 2
Enactment of Interim Appropriations Ordinance – no later than	June 30
Board's Budget Consideration – no later than	July 15
Final Budget Consideration – no later than	July 31

According to the above schedule, the Commission must hear public comment and approve a draft budget on February 13, 2003 in order to meet the deadline to submit the budget to the Controller's Office by February 21, 2003. Since the attached proposal is based on a target reduction that continues to be in flux, we will continue to update you on the budget process as we move forward.

HUMAN RIGHTS COMMISSION

FY 2003-04 BUDGET

JOB CLASS	CLASS TITLE	2003-04 TOTAL REQUEST		GENERAL FUND		WORK ORDER		GRANT	
		COUNT	DOLLARS	COUNT	DOLLARS	COUNT	DOLLARS	COUNT	DOLLARS
0112	Board/Commission	0	12,000	0	12,000				
1404	Clerk	1	41,838			1	41,838		
1424	Clerk Typist	1	43,483	1	43,483				
1424	Clerk Typist	1	43,483			1	43,483		
1426	Sr. Clerk Typist	1	47,685	1	47,685				
1452	Exec Secretary II	2	125,008	2	125,008				
1452	Exec Secretary II	1	62,504			1	62,504		
1634	Prin Acct Clerk	1	58,647	1	58,647				
1840	Jr. Manager Asst	1	54,784	1	54,784				
1844	Sr. Manager Asst	1	71,305			1	71,305		
2978	Contr Compl Ofc II	2	199,138	2	199,138				
2978	Contr Compl Ofc II	6	597,415			6	597,415		
2986	Director	1	119,973	1	119,973				
2991	Coordinator	2	170,851	2	170,851				
2992	Contr Compl Ofc I	2	151,950	2	151,950				
2992	Contr Compl Ofc I	16	1,215,604			16	1,215,604		
2992	Contr Compl Ofc I	1.5	113,963					1.5	113,963
2996	Representative	3.75	263,577	3.75	263,577				
2996	Representative	3	210,862			3	210,862		
2996	Representative	1	70,287					1	70,287
	Special Salary Sav		10,914		3,994		6,920		
SUB-TOTALS:		48.25	3,685,271	14.99	1,251,090	25.05	2,249,931	2.5	184,250
ADJUSTMENTS			-757,276		-320,430		-436,846		
SUB TOTAL W/ADJS.			2,927,995		930,660		1,813,085		184,250
PREMIUM PAY			8,365		3,565		4,800		
TOTAL SALARIES:			2,936,360		934,225		1,817,885		184,250

HUMAN RIGHTS COMMISSION

SUB OBJECT	OBJECT TITLE	2002-03 TOTAL APPROVED BUDGET	2003-04 TOTAL REQUEST	GEN FUND	WORK ORDER	SURETY BOND	GRANT
00100	PERM SAL - MISC	2,987,085	2,931,560	934,225	1,813,085		184,250
00901	PREMIUM PAY	8,365	8,365	3,565	4,800		
SALARY SUBTOTAL		2,995,450	2,939,925	937,790	1,817,885		184,250
01300	MANDATORY FRIN.	665,268	705,834	219,965	441,049		44,820
PERSONAL SERVICES TOTAL		3,660,718	3,645,759	1,157,755	2,258,934		229,070
02200	TRAINING - BUDGET	4,955	4,955	1,136	3,819		
02301	AUTO MILEAGE	2,360	2360	860	1,500		
02302	LOCAL FIELD EXP.	3,850	3850	500	3,350		
02401	MEMBERSHIP FEES	678	678		678		
02700	PROF/SPEC SERV	144,440	144,440	144,440			
02700	PROF/SPEC SERV	480,000	480,000			480,000	
02799	OTHER PROF. SERVICES	912	912	912			
02911	DPWP EQ MAINT	11,400	11,400	7,650	3,750		
02931	OFFICE EQ MAINT	8,000	8,000	6,000	2,000		
03011	PROPERTY RENTAL	155,041	155,041	155,041			
03131	OFC. MACH RENTAL	800	800		800		
03500	OTHER CURR EXP	12,908	12,908	6,708	6,200		
03551	COPY MACHINE	4,368	4,368	3,500	868		
03552	PRINTING	1,500	1,500	1,000	500		
03561	POSTAGE	3,000	3,000	3,000			
03571	SUBSCRIPTIONS	300	300	300			
04000	MAT & SUPP	9,640	9,640	4,640	5,000		
04921	DATA PROC SUPP	6,431	6,431	6,431			
CHAR. 081 SRVCS OTHER DEPTS							
081C5	IS-TIS-ISD MAINT & OP AAO	174,770	171,815	152,137	19,678		
081ET	GF-TIS TELEPHONE AAO	27,144	27,144	19,646	7,498		
081H2	GF-HR-MGMT TRN AAO	610	610	610			
081M2	GF-MAYORS YTH WKS	3,200	2,000	2,000			
081PA	IS-PUR CN SH-AUTO MAIN	2,500	2,500	2,500			
081PF	IS-PUR CN SH-FUEL STK	230	230	230			
081PM	GF-PUR MAIL SERV AAO	6,676	6,676		6,676		
081PR	IS-PUR-REPRO AAO	14,814	14,814	8,299	6,515		
NON PERSONAL SERVICE SUBTOTAL		1,080,527	1,076,372	527,540	68,832	480,000	
FINAL BUDGET TOTAL		4,741,245	4,722,131	1,685,295	2,327,766	480,000	229,070

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, February 27, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

FEB 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.ci.sf.ca.us/sunshine.htm>.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site <http://www.ci.sf.ca.us/ethics>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities

[©Discussion Item *No Attachment*]

- b. Announcement of appointments to HRC Committees for 2003-2004 program year

[©Discussion Item *Attachment to be provided at meeting*]

6. REPORT OF THE DIRECTOR

- a. Presentation of resolution honoring the life of Harry Hay (approved at 11-14-02 HRC Regular Meeting) (Knutzen)

[©Discussion Item *Attachment provided*]

- b. Possible approval of resolution honoring the life of Mary Dunlap (approved at LGBTAC meeting 02-18-03) (Knutzen)

[☞Action Item *Attachment provided*]

7. UPDATE ON WORKSHOPS ON ENVIRONMENTAL RACISM (RATHBONE)

[©Discussion Item *No attachment*]

8. APPOINTMENT OF HEARING OFFICER HENRY EPSTEIN FOR APPEAL OF DENIAL OF HRC CERTIFICATION FOR P&K TRUCKING (BARNES)

[☞Action Item *No attachment*]

9. COMMITTEE REPORTS

a. **Employment Committee**

Commissioner Larry Lee, Co-Chair

Commissioner Wilfred Hsu, Co-Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

- i. Report of February 6, 2003 Committee Meeting
[©Discussion Item No Attachment]

b. **Issues Committee**

Commissioner Haig Baghdassarian, Co-Chair

Commissioner Johnnie Rollins, Co-Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

- i. Report of February 12, 2003 Committee Meeting
[©Discussion Item No Attachment]

CLOSED SESSION

10. **TO BEGIN PROMPTLY AT 5:00 P.M. - CLOSED SESSION**

Conference with City Attorney – Anticipated Litigation

City as Defendant

- a. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney. The closed session is permitted by California Government Code Section 54956.9 (b)(1), 54956.9 (b)(3)(A) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (2).

[➡Action Item]

11. **RECONVENE IN OPEN SESSION**

- a. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

[➡Action Item]

RETURN TO REGULAR BUSINESS

12. **TO BEGIN PROMPTLY AT 6:00 P.M.**

PUBLIC HEARING ON RE-AUTHORIZATION OF 12.D.A ORDINANCE (*Continuation From 01-23-03 HRC Meeting*) (**RATHBONE, FIELDS, NG**)

- a. Presentation of recommendations regarding re-authorization of 12.D.A Ordinance

[©Discussion Item Attachment provided]

- b. Public Comment--Limited to 3 minutes
[©Discussion Item *No Attachment*]
- c. Possible approval of resolution urging the Board of Supervisors to re-authorize the M/W/LBE Ordinance (Chapter 12.D.A)
[☞Action Item *Attachment provided*]

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

HRC CALENDAR: March 2003

March 04

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

March 06

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 11

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

March 12

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 13

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

March 18

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 19

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 20

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

March 20

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 27

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

**To find out more about any meeting on
this calendar, please contact our office
at 415-252-2500 or visit our website at
www.sfhrc.org**



Human Rights Commission Resolution

RESOLUTION HONORING THE LIFE OF HARRY HAY

Whereas, Harry Hay devoted his life to progressive politics and for the rights of workers and all oppressed people; and

Whereas, Harry Hay was a pioneer in the United States and in the world for the rights of lesbian, gay, bisexual, and transgender people; and

Whereas, Harry Hay founded the Mattachine Society in 1950, virtually the first major support organization for gay men; and

Whereas, Harry Hay co-founded the gay spiritual group Radical Faeries in 1979; and

Whereas, Harry Hay was the loving and devoted partner of John Burnside for 39 years; and

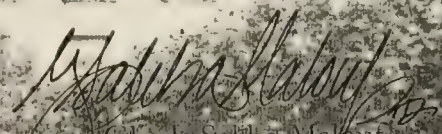
Whereas, Harry Hay was a fearless and proud gay man who contributed profoundly to linking progressive political movements to the Lesbian Gay Bisexual Transgender movement, including his years as an active feminist, worker for Native American rights, and founder of the Lavender Caucus of Jesse Jackson's Rainbow Coalition; and

Whereas, Harry Hay passed away on October 24, 2002, at the age of 90;

Now Therefore Be It Resolved, that the City and County of San Francisco Human Rights Commission expresses its appreciation for the life and work of Harry Hay, and for his decades of commitment to achieving justice, joy, and equality for all people; and

Be It Further Resolved, that the Human Rights Commissioners and staff extend our heartfelt sympathies to John Burnside, and to the rest of Harry Hay's family and friends who are mourning his loss.

Adopted, by the Human Rights Commission of the City and County of San Francisco on this 14th day of November, Two thousand and two.


Ghada Saliba Maboui
Chair of the San Francisco Human Rights Commission

RESOLUTION HONORING THE LIFE OF MARY DUNLAP

WHEREAS, Mary Dunlap was a tireless and tenacious advocate for justice for all people; and

WHEREAS, Mary Dunlap was a pioneer and role model at a time when women and lesbians were entering the legal profession for the first time in significant numbers, inspiring them to work for social change for themselves and others; and

WHEREAS, Mary Dunlap used her vast legal talents and boundless energy to advance the status of women, co-founding Equal Rights Advocates, a public interest law firm that works on behalf of women subjected to sex discrimination, and

WHEREAS, Mary Dunlap worked on many pivotal civil rights lawsuits, including one that successfully overturned the practice of denying women and people of color the right to serve as firefighters in San Francisco; and,

WHEREAS, Mary Dunlap twice argued before the U.S. Supreme Court, on behalf of women forced to take maternity leave earlier than they wanted to and on behalf of the lesbian gay bisexual and transgender community when the U.S. Olympic Committee sought to bar the use of the phrase "Gay Olympics"; and

WHEREAS, Mary Dunlap served as the Executive Director of the San Francisco Office of Citizen Complaints for over six years, working with great commitment and integrity to address allegations of police misconduct and significantly enhance the reputation of the agency; and

WHEREAS, while Director of the Office of Citizen Complaints, Mary Dunlap worked diligently to address allegations of police harassment raised by members of the transgender community and to help build bridges between the transgender community and the police department; and

WHEREAS, Mary Dunlap expressed herself as an artist and writer; and

WHEREAS, Mary Dunlap was the loving and devoted partner of Maureen Mason for 18 years; and

WHEREAS, Mary Dunlap was diagnosed with pancreatic cancer in September 2001 and shared her experience with cancer openly, using a website to publicly communicate her battles, joys, fears and appreciations;

NOW THEREFORE BE IT RESOLVED, that the City and County of San Francisco Human Rights Commission expresses its appreciation for the life and work of Mary Dunlap, and for her decades of commitment to achieving justice and equality for all people; and

BE IT FURTHER RESOLVED, that the Human Rights Commissioners and staff extend our heartfelt sympathies to Maureen Mason, and to the rest of Mary Dunlap's family and friends who are mourning her loss.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 27th day of February, Two thousand and three.

Malcolm A. Heinicke
Chair of the San Francisco Human Rights Commission



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT RECOMMENDATIONS FOR MODIFICATIONS & CLARIFICATIONS OF CHAPTER 12D.A.

MBE/WBE ADVISORY COMMITTEE

1. **Contract Monitoring.** The department's responsibility to monitor compliance with the Ordinance should be confirmed and clarified.
2. **Prompt Payment:**
 - a) Prime contractors should be required to pay retention to subcontractors within a reasonable time period (to allow for labor standards claims) once the subcontractors have completed their work and left the job. (Note: this may be a provision in California law, at least in construction). Subcontractors should not be required to wait until the end of the project, which maybe months or years away.
 - b) The city should be required to pay the undisputed amount of each invoice within the time period specified by the prompt payment provisions of the ordinance. Entire payments should not be held up while disputes of what may be small amounts are settled.
 - c) The city should be required to pay interest if payments are not made within a certain period of time (eg six months), whether the amounts are in dispute or uncontested.
 - d) Prime contractors should not be allowed to negotiate clauses in subcontracts which deny subcontractors of their prompt payment rights under the ordinance.
3. **Prevailing Wage.** Prevailing wages must be enforced in a non-discriminatory manner.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



HRC STAFF

Note: The recommendations in italics are substantive in nature and were sent to the MBE/WBE/LBE Advisory Committee for its consideration. The other recommendations are minor in nature and serve to clarify various sections that have proved problematic in interpretation and/or implementation and to clean up minor anomalies overlooked at the time of its last adoption. These minor recommendations were not sent to the MBE/WBE/LBE Advisory Committee.

Any disagreement or suggestions made by the MBE/WBE/LBE Advisory Committee have been included.

Section 12D.A.5 Definitions.

1. "Award of a contract." The definition should specify that award occurs when a contract is certified by the Controller or when a Commission votes to award a contract.
2. "*Commercially Useful Function.*" *MBE/WBE credit towards meeting subcontractor participation goals for distributors of items that are normally purchased directly from the manufacturer should be limited to 5%.*

****There was strong disagreement with this recommendation during public comment at the MBE/WBE/LBE Advisory Committee, particularly from one MBE supplier.*

3. "Contract." The definition of a grant should be updated.
4. "Economically Disadvantaged Business."
 - A. The definition should specify that a husband's and wife's gross receipts from separate businesses will be combined for the purpose of determining eligibility for certification unless evidence is produced to show otherwise.
 - B. *The economic threshold for certification for businesses providing professional services should be increased from \$2 million to \$2.5 million.*
 - C. *The economic threshold for certification for specialty construction contractors should be increased to from \$5.0 million to \$7.0 million.*
5. "General Services Contracts." General Services contracts should be included with Equipment and Supplies as an industry category.

6. "Local Business Enterprise."

A. The definition should specify that service in exchange for office space (in place of rent), is not allowed for purposes of determining eligibility for certification.

B. Suppliers must have a warehouse located within the boundaries of the City and County of San Francisco.

7. "Minority." The definition of minorities include a definition of Iranians.

8. "Minority Business Enterprise" and "Woman Business Enterprise."

a. The definition should specify whether or not city employees can be certified if they run a business in their spare time.

b. The definition of WBEs should specify that women truckers hold the DMV registration in their own name.

9. "Professional Services." The definition of professional services should include all professional services. (The distinction between A&E and other professional services should be eliminated).

10. "W/MBE." The W/MBE category should be eliminated.

Section 12D.A.6 Powers and Duties of the Commission and Director.

1. Section 12D.A.6.E. The Controller's Office should conduct at least four subcontractor audits each year.

2. Section 12D.A.6.B.1(3). The written agreement for occupancy of a San Francisco office should include documentation of payment of rent (receipts and copies of cancelled checks.)

3. Section 12D.A.6.B.2. The provision in the Ordinance that the Commission, when resolving appeals, should take into account the contract awarding authority's need for an expedient award of the particular contract, should be eliminated. (Revocation or denial of certification is unrelated to contract award as firms must be certified at the time of the bid).

4. Section 12D.A.6.B.4. The deadline for submission of proposed changes to the Board of Supervisors should be changed from March 1st to July 1st of each fiscal year to coincide with issuance of the annual report.

Section 12D.A.8.3. Powers and Duties of the Mayor.

1. All provisions relating to set-asides should be eliminated.

Section 12D.A.9 Powers and Duties of Contract Awarding Authorities.

1. *Section 12D.A.9.A.3. The thresholds for the HRC Director's review of large contracts should be raised from 50K to 300K for professional services.*
2. Section 12D.A.9.A.14. Compliance with the original contract goals is required for contract modifications that cumulatively increase the contract total by 10% but no HRC approval is required. The Ordinance should make clear that this is a departmental responsibility.
3. Section 12D.A.9.D.1. It should be decided whether HRC Form 3 is vendor or contract related. Currently, the Purchasing Department collects and maintains one for every vendor to which it has awarded a contract or purchase order etc. HRC collects one on a contract by contract basis on the contracts it monitors. Also, the requirement to notarize the affidavit should be eliminated unless required.
4. *Section 12D.A.9.D.5. The department's responsibility to monitor compliance with the Ordinance should be confirmed and clarified.*
5. *Section 12D.A.9.D.6. Prime contractors should be required to compensate MBEs and WBEs in the amount of 5% of the dollar value of their subcontract if they are not utilized as originally committed in the bid or proposal and when the contractor has not received permission to substitute from both the awarding authority and HRC. This penalty should be in addition to any liquidated damages levied against the prime contractor.*
6. Section 12D.A.9.D.11. Contracts should require bidders, contractors and subcontractors to maintain records necessary for monitoring their compliance with the Ordinance for three years following completion of the project. A provision should be added specifying HRC's and the Controller's right to audit prime and subcontractor documents.
7. Section 12D.A.9.E. What does this mean? ????
8. Section 12D.A.9.G. The provision for the annual department head and commissioners training should be eliminated.

Section 12D.A.11 Purchasing Contracts

1. *The provisions of the Ordinance should apply to contracts of \$5,000.00 or more (make sure amount is consistent with the Purchasing Department's Rules and Regulations for the award of formal and informal contracts).*

Section 12D.A.12 & 13. Professional Services Contracts

1. The provisions for A&E and professional services should be the same.
2. Section 12D.A.12.B. The threshold for application of the discount should be raised to \$25,000 to conform with Chapter 6. The ordinance should also specify that this threshold may be changed from time to time to conform with Chapter 6.
3. Section 12D.A.12.B & C. The role of the HRC should be clarified in relation to approval of selection panels and RFPs, and to its ability to limit/eliminate discussion during the proposal evaluations.

Section 12D.A.14. Best Efforts Required for Other Contracts.

1. Banks and all related financial services should be removed from this section and included in professional services.

Section 12D.A.15. Exceptions and Waivers

1. *Section 12D.A.15.A.2. Departments should submit an emergency waiver request whenever an emergency waiver is requested under Chapter 6 of the Administrative Code:*
 - *Emergency work which must begin within 72 hours of the start of the emergency should be exempt from the Ordinance, except for the requirement of including M/WBEs amongst the firms that all contacted to perform the work.*
 - *Emergency work which will begin more than 72 hours, but less than four weeks, after the start of the emergency, should require the application of the discount and the establishment of "best effort" subcontracting goals.*
 - *Emergency work which will begin more than a month after the start of the emergency should require the normal application of all the provisions of the Ordinance.*
2. *Section 12D.A.15.D. A threshold of \$10 million dollars, above which the requirements of the Ordinance are waived, should be established for all contracts.*

Section 12D.A.16. Monitoring and Compliance.

1. Section 12D.A.16.A. This section should specify that the Director must issue an exit report on subcontracting participation as well as joint ventures.
2. Section 12D.A.16.B&C. The distinction between willful versus good faith non-compliance should be eliminated. Conciliation followed by formal non-compliance proceedings should be the sole procedure.

Section 12D.A.17. Subcontractor Participation Goals – Public Works, Construction and Professional Services; Subcontractor Program.

1. Section 12D.A.17.F. The contractor's request for a waiver or review of the MBE/WBE subcontractor participation goals should be submitted at least 10 working days prior to the bid date (not with the bid).
2. Section 12D.A.17.H. The provision allowing the subcontracting goals established by the Director to be appealed to the Commission should be eliminated.
3. Section 12D.A.17.J. The conditions under which a material breach of contract occurs when the MBE/WBE subcontractor participation goals are not met should be specified.
4. *A section requiring the establishment of subcontracting goals for general services contracts should be added to the Ordinance.*
5. *The Ordinance should specify that subcontracting goals should be established for revenue generating contracts such as City Tow or Advertising contracts. The goals should be based on a percentage of the estimated expenditures.*
6. *The Ordinance should specify that the prime contractor's failure to contact MBEs and WBEs that they list for MBE or WBE credit on their bids or proposals will result in the bid or proposal being determined non-responsive.*

Section 12D.A.18. Reporting and Review.

1. A provision should be added specifying that commencing November 1, 2003, quarterly reports will be issued to the Board of Supervisors. The reports will be due on November 1st, January 1st, April 1st and July 1st.
2. Section 12D.A.18.A.2. The purpose of reporting waivers to the Commission should be clarified and the Ordinance should specify that the report should be issued on a monthly basis following the granting of the waiver (not at the first Commission meeting following the granting of a waiver).
3. Section 12D.A.20. The Ordinance should become operative on July 1st, 2003.
4. Section 12D.A.21. The Ordinance should become expire on June 20th, 2006.

Additional Comments:

1. Section 12D.A.10.C.6.B Public Works Contracts. Virginia wanted to delete a provision requiring departments to set-aside 1-10% of the contract amount for the Bonding Program. We can't find the provision.

2. James Fields made a suggestion which would require joint ventures requesting a bid discount for MBE/WBE participation in the joint venture to submit evidence of capitalization. However, this might more properly belong in the Rules and Regulations.
3. Maria Cordero made a suggestion that the ordinance should specify that MBE truckers must hire other MBE truckers to meet the goal they committed to at bid time if they hire outside truckers. The same is true for WBE truckers. However, this might more properly belong in the Rules and Regulations.
4. "Commercially Useful Function." MBE/WBE credit towards meeting subcontractor participation goals for distributors of items that are normally purchased directly from the manufacturer should be limited to 5%.

Question: Would these distributors continue to receive a bid discount? This was raised by Maria Cordero but not addressed during staff discussions.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

Date: February 21, 2003
To: HRC Commissioners
From: James Fields, Veronica Ng and Diana Rathbone

The following report to the Human Rights Commission ("Commission") addresses the issue of whether the Commission should certify the finding that minority, woman, and local business enterprises are not afforded full and equitable contracting opportunities, that identified discriminatory practices in the City's procurement process and in the award of prime contractors in providing goods and services to the City continue to exist, and that local businesses continue to face economic disadvantages that are not shared by non-local businesses.

On April 2, 1984, the Board of Supervisors passed Ordinance No. 193-84 to remedy identified discrimination against minority- and women-owned businesses, both in the City's own contracting for goods and services and in the private market. At that time, the participation of minority- and women-owned businesses in City contracting was almost non-existent. The Ordinance also sought to ameliorate economic disadvantages faced by local businesses – including the high costs associated with being located in San Francisco – that are not shared by non-local businesses.

Since the passage of the first Ordinance, the Board has amended and reenacted the Ordinance, including Ordinance 175-89, 155-92, 210-97, 457-97, 82-98, and 296-98 based upon evidence that documented the continuing discrimination against and disadvantages faced by minority- women- and local-owned businesses seeking to obtain City prime contracts and subcontracts. This evidence included disparity studies, transcripts of live testimony by many witnesses, discrimination case studies, and other voluminous evidentiary materials.

In 1997, the Commission hired a private company to assist in conducting a disparity study for the years 1992-1995 which included both statistical and testimonial evidence of discrimination. The study was released in January 1998, and in February of 1998, HRC staff



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



issued a disparity study covering the years 1996 and 1997. The findings of the HRC staff identifying continuing discrimination in City contracting opportunities were consistent with those of the private company. The Board also reviewed oral histories from individuals involved in the bidding and compliance process taken in 1998. These oral histories recounted personal incidences of discrimination and compliance difficulties.

In anticipation of the expiration of the Ordinance in July 2003, the HRC has gathered evidence of continuing discrimination against MBEs and WBEs and related difficulties they face in the City contracting process. On October 1, 2002, a three-hour hearing was held for individuals wishing to comment on their experiences of discrimination in the Information Technology, Telecommunications, and Computer Services industries. Similar hearings were held on October 29, November 7, November 12, and November 29 for the Construction, Architecture and Engineering and Professional Services, Purchasing and General Services, and Trucking industries respectively. In those hearings, contractors detailed discrimination and difficulties that they experienced in City contracting and in the private sector. The overwhelming weight of the testimony given by these individuals showed that there is continuing discrimination in City and private sector contracting.

HRC staff is currently reviewing the transcripts of the testimony given by individuals in their respective industries, which will be prepared as sworn testimony and submitted to the Board of Supervisors in support of the legislative record reauthorizing the Ordinance.

HRC staff is also compiling statistical data from the Diversity Tracking System in order to determine whether statistically significant discrimination continues against MBEs and WBEs in City contracting. In *Croson v. City of Richmond* (1989) 488 U.S. 469, the United States Supreme Court outlined the proper method of determining whether identified discrimination justified the enactment of race and gender conscious remedies. Consistent with *Croson*, for purposes of this study, the principal method entails comparing the utilization of the Minority and Women-owned Business Enterprises ("MBE/WBEs") in City contracting, at both the prime contracting and subcontracting levels, to the availability of MBE/WBEs in the relevant market area for the City and County of San Francisco ("The City"). The *Croson* Court held that an inference of discrimination arises if the comparison demonstrates a statistically significant disparity between availability and utilization.

With the re-authorization of the 12D.A Ordinance in 1998, the City created the Diversity Tracking System ("System") to track contracting information of each City department. Each City department was then charged with entering accurate and complete contracting information of its contracting activity, including MBE and WBE participation.

Each quarter and on annual basis, the Human Rights Commission (HRC) extracts information from the System and issue a Quarterly and Annual Report, respectively, and is submitted to the Board of Supervisors and the Mayor. For the purpose of this Disparity Analysis, the HRC extracted contracting information from the System as its primary source of data, to determine if there is a statistically significant disparity between the utilization of Minority and Women-owned Business Enterprises compared to their availability. Again, this evidence is being carefully reviewed in order to determine how much measurable, statistically significant discrimination exists in City contracting.

In order to determine the impact of the dismantling of contracting programs similar to the City's M/W/LBE program, HRC staff has contacted other jurisdictions that have either switched to race and gender neutral programs or have dropped their contracting programs altogether. HRC has contacted the Cities of San Jose, Sacramento, Oakland, Hayward, Los Angeles, Richmond, Santa Cruz, and Contra Costa County to obtain this evidence. HRC staff is also in the process of gathering this information and preparing sworn declarations in support of the legislative record to be submitted to the Board of Supervisors.

Although the record is not complete at this time, there is more than enough evidence to support a finding that minority, woman, and local business enterprises are not afforded full and equitable contracting opportunities, that identified discriminatory practices in the City's procurement process and in the award of City prime contracts and subcontracts for goods and services continue to exist, and that local businesses continue to face economic disadvantages that are not shared by non-local businesses.

Therefore, we recommend that the Commission certify this finding and adopt the attached resolution.

**RESOLUTION
URGING THE BOARD OF SUPERVISORS TO
ENACT A SUCCESSOR MBE/WBE/ LBE
ORDINANCE TO CHAPTER 12D.A.**

WHEREAS, The Board of Supervisors passed the MBE/WBE/LBE Ordinance, Ordinance No. 139-84 in 1984 ("Ordinance") to remedy the City's active and passive participation in discrimination against minority and women-owned businesses, both in its own contracting for goods and services and in the private market for such goods and services, and

WHEREAS, The Ordinance also sought to offset economic disadvantages faced by local businesses that are not shared by non-local businesses, and to increase employment in the City by encouraging the participation of local businesses in city contracting, and

WHEREAS, The Board amended and reenacted new versions of the Ordinance, including Ordinance Nos. 175-89, 155-92, 210-97, 457-97, 82-98, and 296-98, based upon clear and persuasive evidence of identified discrimination in City contracting against minority- and women-owned businesses, and of economic disadvantages faced by local businesses, including disparity studies, transcripts of live testimony from numerous witnesses, case studies of discrimination, and other voluminous evidentiary materials, and

WHEREAS, The Human Rights Commission has conducted public hearings for the Information Technology and Telecommunications/Computer Services, Construction, Architecture and Engineering, Professional Services, General Services, and Trucking industries, transcripts of which are on file with the Secretary of the Commission, at which the overwhelming weight of testimony documents reported continued difficulties and discrimination faced by minority-owned and women-owned businesses; and

[**DRAFT RESOLUTION** urging the Board of Supervisors to enact a successor MBE/WBE/ LBE Ordinance to Chapter 12D.A. ; presented to HRC Commissioners for possible adoption on February 27, 2003]

WHEREAS, the Commission has collected and is analyzing data collected from the City's Diversity Tracking System to determine the extent of statistically significant evidence of the underutilization of minority- and women-owned businesses in the City contracting; and

WHEREAS, the Human Rights Commission is collecting additional evidence of discrimination in the form of anecdotal evidence from minority- and women owned businesses engaged in public works, professional services and commodity prime and subcontracting; and

WHEREAS, the anecdotal evidence will be prepared as sworn testimony to present to the Board of Supervisors in support of the legislative record supporting reauthorization of the Ordinance; and

WHEREAS, the Commission is collecting information from jurisdictions that have discontinued their affirmative action contracting programs or discontinued their race and gender based programs to obtain evidence of the impact of discontinuing the programs on minority- and women-owned business utilization; and

WHEREAS, the Commission held a public hearing on February 27, 2003 to take additional public comment and recommendations regarding the reauthorization of 12.D.A; and

WHEREAS, The Ordinance shall expire on June 30, 2003 unless the Human Rights Commission certifies to the Board that its purposes have not yet been achieved and the Board thereafter acts to extend or enact a successor Ordinance; now, therefore, be it

RESOLVED, That the Human Rights Commission finds that minority-owned, women-owned and local businesses that seek opportunities in City contracting do not have a full and equitable opportunity to participate and that there is a continued need to remedy identified discrimination against MBEs and WBEs in the City's contracting processes and to offset the economic competitive disadvantage faced by local businesses, and be it

[**DRAFT RESOLUTION** urging the Board of Supervisors to enact a successor MBE/WBE/ LBE Ordinance to Chapter 12D.A. ; presented to HRC Commissioners for possible adoption on February 27, 2003]

FURTHER RESOLVED That the Human Rights Commission urges the Board of Supervisors to enact a successor MBE/WBE/ LBE Ordinance to Chapter 12D.A.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 27th day of February, Two thousand and three.

Malcolm A. Heinicke
Chair of the San Francisco Human Rights Commission

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, March 13, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

MAR 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna.Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.ci.sf.ca.us/sunshine.htm>.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site <http://www.ci.sf.ca.us/ethics>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[ⓈDiscussion Item *No Attachment*]
- b. Announcement of Commissioner appointments to HRC Committees for 2003-2004 program year
[ⓈDiscussion Item *Attachment to be provided at meeting*]

6. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for February (Kanios)
[ⓈDiscussion Item *Attachment provided*]
- b. Presentation of Chapter 12.D.A. March 2003 Quarterly and Annual Report (Villacarlos/Kanios)
[ⓈDiscussion Item *Attachment provided*]
- c. Possible approval of resolution encouraging appointed City Commissioners and Board Members to decline or donate their meeting stipends to aid in resolving the City's budget crisis (Goldstein)
[ⓈAction Item *Attachment provided*]

7. ENVIRONMENTAL RACISM WORKSHOPS (RATHBONE)

- a. Possible approval of letter informing various agencies of HRC Environmental Racism Workshops
[ⓈAction Item *Attachment provided*]

8. RE-AUTHORIZATION OF 12.D.A ORDINANCE (RATHBONE, FIELDS, NG)

- a. Possible approval of letter to the Board of Supervisors including recommendations regarding re-authorization of 12.D.A Ordinance
[ⓈAction Item *Attachment provided*]

9. HRC DIVISION REPORT

LGBTH Division:

- a. Discussion of LGBT Immigration Issues (Brinkin)
[©Discussion Item *Attachment to be provided at meeting*]

10. COMMITTEE REPORTS

a. **Lesbian Gay Bisexual Transgender Advisory Committee**

Commissioner Martha Knutzen, Chair

Commissioner Theresa Sparks, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Report of February 18, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. **MBW/WBE/LBE Advisory Committee**

Commissioner Shirley Dimapilis, Co-Chair

Commissioner Charles Ward, Co-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of February 19, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

c. **Youth & Education Committee**

Commissioner Shirley Dimapilis, Co-Chair

Commissioner Johnnie Rollins, Co-Chair

Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

- i. Report of February 20, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

HRC CALENDAR: March 2003

March 04

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

March 06

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 11

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

March 12

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 13

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

March 18

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 19

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 20

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

March 20

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

March 27

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org



MEMORANDUM

To: Chair Malcolm Heinicke and Members of the Human Rights Commission

From: Melinda Kanios, Contract Compliance Officer

Date: March 13, 2003

Subject: San Francisco Administrative Code Chapters
12B, 12C and 12D.A Sole Source Waiver Report

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of February, including documentation supporting the waivers granted and those denied. A brief synopsis of each waiver request and basis for its determination is included.

No. 1 SOLE SOURCE Department of Public Health requested a waiver for Deliverex to continue to provide storing, retrieving and delivering of medical records for SFGH.

Granted: This vendor's storage and retrieval procedures comply with the recently mandated Health Insurance Portability And Accessibility Act (HIPAA). Its software applications are proprietary to Deliverex and SFGH since both of these organizations continue to manage and update the software to meet SFGH's needs. Furthermore, this is the only vendor that will make four routine deliveries and pick-ups daily.

No. 2 SOLE SOURCE Department of Public Health requested a waiver for UCSF's Health Practice- Men of Color Program.

Granted: This program was designated as the recipient to a grant from the Office of Minority Health (OMH).

No. 3 SOLE SOURCE Department of Public Health requested a waiver for the following ambulance services: Angotti Healthcare Systems, d.b.a. St. Joseph's Ambulance Service, Bayshore Ambulance Company, American Medical Response and King American Ambulance Company- to provide transportation services between healthcare facilities as needed.

Granted: The first 3 companies are the only certified ambulance operators under Article 14 of the San Francisco Health Code. A waiver was also granted to the last company because it is the only ambulance operator certified to provide neonatal intensive care. King American will be only used for that purpose and in emergency situations where there is no timely response from the other operators.



No. 4 SOLE SOURCE Public Health requested a waiver for UCSF's AIDS Research Institute to continue to provide Mental Health Services for a target population of "high users" and to continue to provide technical assistance in the area of HIV/AIDS policy.

Granted: A change in the service provider would have severe adverse affects on the clients' overall well being. Also, UCSF's liaison for the Mayor on all HIV/Aids issues, Mr. Michael D. Shriver, is uniquely qualified. He coordinates and convenes various San Francisco based forums, meetings, advisory committees and planning councils to create a comprehensive approach to San Francisco AIDS epidemic.

No. 5 SOLE SOURCE San Francisco Children and Families Commission requested a waiver for UCSF's Pediatric Dental Department to provide dental services requiring anesthesia to young children whose parents lack funds for these services.

Granted: This entity is a sole provider of low-or -no- cost dental services requiring use of anesthesia.

No. 6 SOLE SOURCE Department of Public Health requested a waiver for John S. Evans, DDS (who worked for the original vendor) to provide intermittent as-needed dental services on site for patients at Laguna Honda Hospital who have dentures.

Denied: The original contract was competitively bid. Thereafter, the vendor, Inpatient Dental Services (IDS) withdrew provisions for such services. Public Health recruited Dr. Evans directly to continue to provide these services.

No. 7 SOLE SOURCE Reproduction & Mail Services requested a waiver for Pitney Bowes to continue to provide maintenance services for two postal meters.

Granted: The meters are proprietary and interface with city-owned postage machines.

No. 8 SOLE SOURCE City Planning Department requested a waiver for an upcoming RFQ-Dwelling Unit Merger Study.

Granted: The scope of work- to conduct a brief (6 month) targeted nexus study of dwelling unit merger activities in San Francisco - is too limited to provide for subcontracting opportunities.

No. 9 SOLE SOURCE Department of Elections requested a waiver in order to restrict a prime contractor from using subcontractors for ballot printing services.

Granted: The California Elections Code subsection 20220 requires the Elections Department to use only state approved and certified vendors. The State Code also regulates these vendors' activities. Use of subcontractors would impair the quality and critical timing deadlines of these services and may result in a break in the ballots' chain of custody.

[**DRAFT RESOLUTION** encouraging appointed City Commissioners and Baord Members to decline or donate their meeting stipends to aid in resolving the City's budget crisis; presented to HRC Commissioners for possible adoption on March 13, 2003]

**RESOLUTION ENCOURAGING APPOINTED
CITY COMMISSIONERS AND BOARD MEMBERS
TO DECLINE OR DONATE THEIR
MEETING STIPENDS TO AID IN RESOLVING
THE CITY'S BUDGET CRISIS**

WHEREAS, as the result of a troubled national economy and its impact on state and local governments, the City and County of San Francisco is facing the worst budget crisis in over fifty years; and

WHEREAS, the City currently is attempting to address a budget deficit of up to \$350 million in the next fiscal year; and

WHEREAS, drastic measures are being employed and considered by the City to address this budget deficit; and

WHEREAS, measures being considered include laying off City employees, asking City employees to increase their contributions toward the cost of their retirement benefits, asking City employees to forfeit cost of living increases and take voluntary or mandatory furloughs, and

WHEREAS, each and every one of these measures results in a loss of income to City employees; and,

WHEREAS, City Commissioners and Board members receive a stipend for attending meetings associated with their official duties; and

WHEREAS, it would assist the City in resolving its budget deficit if some of the money paid as stipends could be diverted to other uses; and

WHEREAS, some appointed commissioners and board members rely on their stipends for transportation, day care or other costs associated with serving, and because it is the goal of the City to have people from diverse economic backgrounds serving on commissions and boards, this resolution is not intended to suggest that these commissioners should forego necessary stipends;

[**DRAFT RESOLUTION** encouraging appointed City Commissioners and Board Members to decline or donate their meeting stipends to aid in resolving the City's budget crisis; presented to HRC Commissioners for possible adoption on March 13, 2003]

NOW THEREFORE BE IT RESOLVED, that the City and County of San Francisco Human Rights Commission strongly encourages all appointed City Commissioners and Board members who do not rely on their meeting stipends to individually consider voluntarily declining, or donating back to the City, some or all of their stipends during this fiscal crisis; and

BE IT FURTHER RESOLVED, that the Human Rights Commission sees such action as a good-faith showing of support for the financial burdens being shouldered by the City and, consequently, by City employees.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 13th day of March, Two thousand and three.

Malcolm A. Heinicke
Chair of the San Francisco Human Rights Commission



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm Heinicke
Chair

Alicia Becerril
Vice-Chair

Khaldoun A. Baghdadi
Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

March 13, 2003

Mr. Gerald Green, Director
Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Mr. Green,

The San Francisco Human Rights Commission is planning to hold several workshops on Environmental Racism in the Bayview Hunters Point area. The workshops will take place in April and May 2003 and the topics will include:

- Health
- Industrial Dumping
- The Naval Shipyard
- The South East Water Pollution Control Plant; and
- Energy

Additionally, each workshop will cover the economic impact on the BVHP community as well as mitigation measures.

We shall contact you shortly about participating in these workshops. Please feel free to contact us in the meantime with any information, ideas, suggested speakers or issues that you feel should be addressed.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
<http://www.ci.sf.ca.us/sfhumanrights>



ADDITIONAL ADDRESSES

Department of Public Health (DPH)

Dr. Mitch Katz, Director
Public Health
101 Grove Street
San Francisco, CA 94102

MUNI

Michael Burns, Executive Director
Municipal Transportation Agency
401 Van Ness Avenue, Room 334
San Francisco, CA 94102

MUNI

Fred Stephens, General Manager
Municipal Railway
700 Pennsylvania Avenue
San Francisco, CA 94107

Public Utilities Commission (PUC)

Patricia Martel, General Manager
1155 Market Street, 4th Floor
San Francisco, CA 94103

Department of the Environment

Jared Blumenfeld, Director
11 Grove Street
San Francisco, CA 94102

Port of San Francisco

Douglas Wong, Executive Director
Pier 1
San Francisco, CA 94111

USEPA Region 9

Wayne Nastri, Regional Administrator
Laura Yoshii, Deputy Regional Administrator
Alexis Strauss, Associate Regional Administrator
75 Hawthorne Street
San Francisco, CA 94105

Naval Facilities Engineering Command SW DIV

Mr. Thomas C. Pinard
Public Affairs Officer, San Francisco
410 Palm Ave., Bldg. One, Treasure Island
San Francisco, CA 94130



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

MEMORANDUM

Date: March 13, 2003

To: The Honorable Supervisor Fiona Ma
Member, Board of Supervisors

From: Malcolm Heinicke
Chair, San Francisco Human Rights Commission

Subject: Recommendations for Modifications and Technical Amendments to the Proposed Ordinance Extending Chapter 12D.A. of the San Francisco Administrative Code Minority/Women/Local Business Utilization Ordinance to June 30, 2008

We understand that you will be introducing a revised version of the Ordinance to extend Chapter 12D.A of the Administrative Code at the Board of Supervisors meeting scheduled for March 18, 2003.

The following recommendations for modifications and technical amendments to the Ordinance are submitted for your consideration. They come in part as a result of testimony the Human Rights Commission and its MBE/WBE/LBE Advisory Committee received at a series of recent public hearings. They also include recommendations received from correspondence sent to the Commission and from HRC staff.

Based on major concerns voiced during the public testimony, we have grouped the recommendations into four categories: enhanced contract monitoring, tougher prompt payment provisions, the impartial application of the prevailing wage ordinance and increased thresholds for disadvantaged businesses. There are also a series of miscellaneous modifications as well as a list of proposed technical amendments. The purpose of the technical amendments is to conform Chapter 12D.A with existing City ordinances and administrative practices as well as to clarify various sections of the existing Ordinance that have proved problematic in interpretation and/or implementation. We have referenced the sections of the current Ordinance where applicable.

Please feel free to contact Veronica Ng (415-558-4014), James Fields (650-821-7796) or Diana Rathbone (415-554-3100) of the HRC staff if you need further assistance. They are available at your convenience to more fully articulate these recommendations or to respond to any questions you may have.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



We would like to take this opportunity to thank you for your sponsorship of this important piece of legislation and we look forward to working with your office and with the City Attorney's Office to facilitate its successful passage.

1. **Contract Monitoring.** The contract awarding department's responsibility to monitor compliance with the Ordinance during the course of a project should be confirmed and clarified.
2. **Prompt Payment (these protections should be afforded by City law to all subcontractors, not only MBE/WBE/LBEs):**
 - a) Prime contractors should be required to pay retention for the subcontractor's portion of the project within a reasonable time period (to allow for the processing of labor standards and other claims) once the subcontractors have satisfactorily completed their work and left the job. Subcontractors should not be required to wait until the end of the project, which maybe months or years away.
 - b) The city and the prime contractor should be required to pay the undisputed amount of each invoice within the time period specified by the prompt payment provisions of the ordinance. Entire payments should not be held up while disputes of what may be small amounts are settled.
 - c) The city and the prime contractor should be required to pay interest if payments are not made within a certain period of time (e.g. six months), whether the amounts are in dispute or uncontested.
 - d) Prime contractors should not be allowed to negotiate clauses in subcontracts which deny subcontractors of their prompt payment rights under the ordinance.
3. **Prevailing Wage.** Prevailing wages must be enforced in a non-discriminatory manner.
4. **Economic Thresholds.**
 - a) The economic threshold for certification for businesses providing professional services should be increased from \$2 million to \$2.5 million.
 - b) The economic threshold for certification for specialty construction contractors should be increased to from \$5 million to \$7 million.
 - c) The economic threshold for certification for suppliers should be increased from \$5 million to \$10 million.
 - d) A husband's and wife's gross receipts from separate businesses should be combined for the purpose of determining eligibility for certification unless evidence is produced to show otherwise. This provision should apply equally to domestic partners.

5. Other Modifications.

a) **“Commercially Useful Function.”** MBE/WBE credit towards meeting subcontractor participation goals for distributors of items that are normally purchased directly from the manufacturer should be limited to 5% (Section 12D.A.5 Definitions).

b) Outside Employment.

(i) Businesses whose owners are also full time City and County of San Francisco employees should not be eligible to be certified or registered under this program.

(ii) Certification is not available for part-time businesses. Business owners must fully manage and control their business.

➤ A business owner may not be employed outside of his/her business by a firm in the same industry.

➤ A business owner may be employed part-time in a different industry only if the certified firm employs dedicated personnel to oversee the daily operations of the certified business while the owner is engaged in his/her outside employment.

➤ Business owners must fully manage and control their business.

c) General Services Contracts.

(i) General Services contracts should be included with Equipment and Supplies as an industry category. The threshold for the provisions of the Ordinance should be consistent with the Purchasing Department's Rules and Regulations for the award of formal and informal contracts

(ii) A section requiring the establishment of subcontracting goals for general services contracts should be added to the Ordinance.

d) **Purchasing Contracts.** The threshold for the provisions of the Ordinance should be consistent with the Purchasing Department's Rules and Regulations for the award of formal and informal contracts (Section 12D.A.11).

e) **Set-Asides.** All provisions relating to set-asides should be eliminated. (Section 12D.A.8.3).

f) **Splitting Up of Large Contracts.** The thresholds for the HRC Director's review of large projects to determine if they can be split into smaller contracts in order to facilitate the participation of small, economically disadvantaged businesses should be raised from \$50K to \$300K for professional services (Section 12D.A.9.A.3).

- g) **Penalty for Failure to Utilize Listed MBEs and WBEs.** Prime contractors should be required to compensate MBEs and WBEs in the amount of 5% of the dollar value of their subcontract if they are not utilized as originally committed in the bid or proposal and when the contractor has not received permission to substitute or modify the original subcontract from both the awarding authority and HRC. This penalty should be in addition to any liquidated damages levied against the prime contractor (Section 12D.A.9.D.6).
- h) **Revenue Generating Agreements.** The Ordinance should specify that subcontracting goals should be established for revenue generating agreements such as City Tow or Advertising agreements. The goals should be based on a percentage of the estimated expenditures.
- i) **Listing MBEs and WBEs.** The Ordinance should specify that the prime contractor's failure to contact MBEs and WBEs listed for MBE or WBE credit on their bids or proposals will result in the bid or proposal being determined non-responsive.
- j) **Departmental Compliance.** A provision should be added specifying that commencing November 1, 2003, quarterly reports will be issued to the Board of Supervisors. The reports will be due on November 1st, January 2nd, April 1st and July 1st. Departments will be required to attach either an explanation or a remedial plan to the Quarterly Report in those cases where department MBE/WBE participation has fallen substantially below the Mayor's annual goals.
- k) **Joint Ventures.** A provision should be added authorizing the Human Rights Commission to establish rules for the levels of capitalization required for MBE/WBE participation in a particular joint venture.

6. Technical Amendments.

a) Section 12D.A.5 Definitions.

- (i) "Award of a contract." The definition should specify that award occurs when a contract is certified by the Controller or when a Commission votes to award a contract.
- (ii) "Contract." The definition of a grant, as opposed to a contract, should be clarified.
- (iii) "Local Business Enterprise."
 - The definition should specify that service in exchange for office space (in place of rent), is not allowed for purposes of determining eligibility for certification.

- The definition should specify that suppliers must have a warehouse located within the boundaries of the City and County of San Francisco.
- The definition should specify that the written agreement for occupancy of a San Francisco office should include documentation of payment of rent (receipts and copies of cancelled checks).
- (iv) "Minority." The definition of minority should include a definition of Iranians.
- (v) "Minority Business Enterprise" and "Woman Business Enterprise." These definitions should specify that the person qualifying for MBE or WBE certification as a trucker should hold the DMV registration in his or her own name.
- (vi) "W/MBE." The W/MBE category should be eliminated.

b) Section 12D.A.6 Powers and Duties of the Commission and Director.

- (i) The Controller's Office should conduct at least four subcontractor audits each year (Section 12D.A.6.E).
- (ii) The provision in the Ordinance that the Commission, when resolving appeals, should take into account the contract awarding authority's need for an expedient award of the particular contract, should be eliminated. (Revocation or denial of certification is unrelated to contract award as firms must be certified at the time of the bid.) (Section 12D.A.6.B.2.)
- (iii) The deadline for submission of proposed changes to the Board of Supervisors should be changed from March 1st to July 1st of each fiscal year to coincide with issuance of the annual report. (Section 12D.A.6.B.4.)

c) Section 12D.A.9 Powers and Duties of Contract Awarding Authorities.

- (i) Compliance with the original contract goals is required for contract modifications that cumulatively increase the contract total by 10% but no HRC approval is required. The Ordinance should make clear that this is a departmental responsibility (Section 12D.A.9.A.14).
- (ii) HRC Form 3 should be eliminated. It has been determined by the City Attorney's Office that this form is not required for enforcement of the Ordinance. (Section 12D.A.9.D.1.)
- (iii) Contracts should require bidders, contractors and subcontractors to maintain records necessary for monitoring their compliance with the Ordinance for three years following completion of the project. A provision should be added specifying

HRC's and the Controller's right to audit prime and subcontractor documents (Section 12D.A.9.D.11).

- (iv) The provision for the annual department head and commissioner training should be eliminated (Section 12D.A.9.G).

e) **Section 12D.A.12 & 13. Architectural, Engineering and Professional Services Contracts.**

- (v) The provisions for A&E and professional services should be the same.
- (vi) The threshold for application of the discount should be raised to \$25,000 to conform with Chapter 6. The ordinance should also specify that this threshold may be changed from time to time to conform with Chapter 6 (Section 12D.A.12.B).
- (vii) The role of the HRC should be clarified in relation to approval of selection panels and RFPs, and to its ability to limit/eliminate discussion during the proposal evaluations (Section 12D.A.12.B & C).

f) **Section 12D.A.14. Best Efforts Required for Other Contracts.**

The provisions relating to the applicability to the Ordinance for banks and other related financial services should be clarified.

g) **Section 12D.A.15. Exceptions and Waivers.**

- (i) Departments should submit an emergency waiver request whenever an emergency waiver is required under Chapter 6 of the Administrative Code:
 - Emergency work which must begin within 72 hours of the start of the emergency should be exempt from the Ordinance, except for the requirement of including M/WBEs amongst the firms contacted to perform the work.
 - Emergency work which will begin more than 72 hours, but less than four weeks, after the start of the emergency, should require the application of the discount and the establishment of "best effort" subcontracting goals.
 - Emergency work which will begin more than a month after the start of the emergency should require the normal application of all the provisions of the Ordinance.
- (ii) A threshold of \$10 million dollars, above which the requirements of the Ordinance are waived, should be established for all contracts (Section 12D.A.15.D).

h) Section 12D.A.16. Monitoring and Compliance.

- (i) This section should specify that the Director may require the issuance of an exit report on subcontracting participation in addition to joint ventures (Section 12D.A.16.A).
- (ii) The distinction between willful versus good faith non-compliance should be eliminated. Conciliation followed by formal non-compliance proceedings should be the sole procedure (Section 12D.A.16.B&C).

i) Section 12D.A.17. Subcontractor Participation Goals – Public Works, Construction and Professional Services; Subcontractor Program.

- (i) The contractor's request for a waiver or review of the MBE/WBE subcontractor participation goals should be submitted at least 10 working days prior to the bid date (not with the bid). (Section 12D.A.17.F).
- (ii) The provision allowing the subcontracting goals established by the Director to be appealed to the Commission should be eliminated (Section 12D.A.17.H).

j) Section 12D.A.18. Reporting and Review.

- (i) The purpose of reporting waivers to the Commission should be clarified and the Ordinance should specify that the report should be issued on a monthly basis following the granting of the waiver (not at the first Commission meeting following the granting of a waiver). (Section 12D.A.18.A.2)
- (ii) The Ordinance should become operative on July 1st, 2003 (Section 12D.A.20).
- (iii) The Ordinance should expire on June 20th, 2008 (Section 12D.A.21).

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor



Regular Meeting Agenda

Thursday, March 27, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

MAR 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.com. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[ⓈDiscussion Item *No Attachment*]
- b. Announcement of member appointments to HRC Committees for 2003-2004 program year
[ⓈDiscussion Item *Attachment provided*]

5. REPORT OF THE DIRECTOR

- a. Update on most recent backlash Working Group Meeting with the San Francisco Police Department (Truax)
[ⓈDiscussion Item *Attachment provided*]
- b. Update on upcoming Environmental Racism Workshop dates and topics (Rathbone)
[ⓈDiscussion Item *Attachment provided*]
- c. Possible approval of letter to Housing Authority to inform of HRC Environmental Racism Workshops
[➡Action Item *Attachment provided*]

6. HRC DIVISION REPORT

NEHPA Division:

- a. Hate Violence in the Community: An Update (DeGuzman)
[ⓈDiscussion Item *Attachment provided*]

7. COMMITTEE REPORTS

a. Issues Committee

Commissioner Haig Baghdassarian, Co-Chair

Commissioner Johnnie Rollins, Co-Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

- i. Report of March 12, 2003 Committee Meeting
[☉Discussion Item *No Attachment*]

b. *Lesbian Gay Bisexual Transgender Advisory Committee*

Commissioner Martha Knutzen, Chair

Commissioner Theresa Sparks, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Approval of report on the public hearing: Aging in the LGBT Communities
[☑Action Item *Attachment provided*]
- ii. Approval of letter to the San Francisco Police Department Encouraging the Designation of a Liaison to Political Demonstrations
[☑Action Item *Attachment provided*]

8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

9. ADJOURNMENT

HRC CALENDAR: April 2003

April 01

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

April 03

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 08

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

April 09

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 10

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

April 15

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 16

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 17

"How to Use Your Certification"

Workshop-Port of San Francisco

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

April 17

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 24

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org



ANNOUNCEMENT OF APPOINTMENTS TO HRC COMMITTEES FOR 2003-2004 PROGRAM YEAR

EMPLOYMENT COMMITTEE

Members as of 03/20/03. Bolded names are new appointments to the Committee.

- Leo Chyi
- **Rodney Hampton**
- Jerry Jones,
- Greg Marutani
- Guillermo Romero
- Judy Starbuck Sorro
- Norma Tecson
- Stan Warren
- **Toni Wilson**

M/W/LBE COMMITTEE

Members as of 03/20/03. Bolded names are new appointments to the Committee.

- Christina Bui
- Bayardo Chamorro
- Sabrina Hernandez
- **Matthew Huey**
- James Kennedy
- Darlene Mar
- **Jim Mitchell**
- Ismael Pugeda
- **Fred Richardson**
- Michael Silva

Possible Members (Under Review)

- Bahram Khamenehpour
- Mohammad Herzallah

ISSUES COMMITTEE

Members as of 03/20/03. Bolded names are new appointments to the Committee.

- Susanne Marks Ellis
- Alice Fialkin
- John H. Freeman
- **Victor Hwang**
- Bill Johnson
- **Naglaa Kamel**
- **Mani Sheik**
- Reginald Smith

YOUTH & EDUCATION

Does not renew members until September per HRC Committee Guidelines.

LGBTAC

Presented to the Commission on 02-27-03



راهنمای حقوقی

HATE CRIMES AND THE VICTIM Persian/Farsi



جرمهای ناشی از تعصبات که زائیده
نفرت و تبعیض های اجتماعی میباشند

ازانتشارات:

اداره پلیس شهر سانفرانسیسکو بخش جرمهای تعصبی

June 2002

مقدمه

اداره پلیس شهر سانفرانسیسکو "بخش جنایت ناشی از تعصبات" شما را در گزارش فوری هر نوع تجاوز حقوقی که زائیده هر نوع تعصبی می باشد رسماً تشویق مینماید.

اکثریت این نوع تجاوزات اجتماعی که بر علیه شخص است متأسفانه بادره پلیس گزارش داده نمی شود. در بیشتر موارد متضرر این اعمال سکوت را بر برداشتن هر نوع قدم قانونی ترجیح می دهد. ولی در نظر داشته باشید که قوانین مدنی قادر هستند که از تمام اتباع آمریکا (سیتیزن) به نحوه اعلاء حمایت نمایند: قربانیان این جرائم لازم است که شجاعانه پیش قدم شده و نه تنها گزارش این جرائم را در اسرع وقت به اداره پلیس سانفرانسیسکو بدهند بلکه در تعقیب قانونی این مجرمان پافشاری مصممانه داشته باشند. تجاوزهای ناشی از تعصب در حقیقت تجاوز مستقیم به حقوق قربانیان بیگناه می باشد. طبیعی است این نوع تجاوزات تعصبی در متضرر احساسات منفی روانی از جمله شرمندگی نژادی، ناتوانی ویا ترسهای عمیق ایجاد می نماید.

هدف از انتشار این راهنما برای کمک به فارسی زبانها است که شما قادر باشید جرمهای ناشی از تعصبات را در درجه اول تشخیص بدهید، ثانیاً با حقوق فردی قانونی خود در پیگیری برای مجازات این نوع اتفاقات آشنا شوید. مسلماً مجرمین این نوع قانون شکنی ها محاکمه شده و به شدیدترین مجازات های قانونی محکوم خواهند شد. افراد مطلع و با تجربه در امور قضائی مسلماً در نزدیکی محلیت شما آماده برای هر گونه مدد حقوقی هستند که شما را در مورد حقوق قانونی خودتان و دفاع لازم را راهنماییهای کامل را بنمایند. پلیس شهر سانفرانسیسکو امیدوار است با انتشار این راهنمای کوتاه بتواند شما را با مؤسسات خدمات اجتماعی و کانونهایی که برای این منظور در همسایگی های شما دایر هستند در تماس بگذارد که شما بتوانید برای هر گونه گزارش ناشی از این صدمات که ممکن است روحی، بدنی و یا مالی باشد با این مؤسسات در تماس مستقیم باشید.

جرم ناشی از تعصبات چیست؟

اعمال ناشی از تعصبات منجر به جزاهای سخت قانونی مطابق قوانین دولت آمریکا می شود. در بیشتر موارد این گونه حملات بدون هیچ دلیلی بر علیه یک فرد بیگناه انجام میگردد که حتی خود متهاجم در بیشتر موارد از هویت شخصی متضرر هیچ گونه اطلاعاتی در دست ندارد. در واقع شخص مورد تهاجم فقط بی گناهیست که آثار ظاهری مثل رنگ پوست، مذهب، اجدادیت، محلّیت تولد، مذکر و یا مؤنث بودن، داشتن عقاید مختلف سیاسی ممکن است دلیل مکفی برای قربانی شدن اینگونه تهاجمات غیرقانونی که صرفاً ناشی از تعصبات است بشود. برای مثال در زیر تعدادی از اتفاقاتی که ریشه های تعصبی دارند را برایتان قید میکنیم که عبارتند از:

- * تهدیدهای لفظی و کتبی که مداوماً بهر صورتی تکرار شوند.
- * تخریبهای عمدی و یا صدمه زدن به اموال تأسیسات مختلفه.
- * حملات جسمی و یا قصد حمله داشتن.

در نظر داشته باشید که تمام درگیریهای اجتماعی ریشه از نفرت و تعصب ندارند. بعنوان مثال، فحاشی گرچه جرم قانونی ندارد ولی زمانی که فحش دادن توأم با تهدیدهای حاد و نشانی از توانایی انجام این تهدیدها در شخص دیده شود آنوقت بدون شک یک جرم تعصبی است. لطفاً به خاطر داشته باشید که برای اینکه یک جرم، قانوناً یک "جرم تعصبی" محسوب شود میبایست جرم مذکور تماماً و یا حتی جزاً از تعصب سرچشمه گرفته باشد.

چگونه جرائم ناشی از تعصب را به اداره پلیس شهر سانفرانسیسکو گزارش دهید.

قوانین و مقررات اداره پلیس شهر سانفرانسیسکو در این مورد از قرار زیر است: مطابق قوانین اساسی دولت مرکزی آمریکا و ایالت کالیفرنیا، حفاظت حقوقی هر فردی که تبعه آمریکا می باشد بدون در نظر گرفتن خصوصیات فردی از مسئولیتهای اولیه این سازمان است. بعلاوه محافظت از همه افراد در مقابل جرمهای ناشی از تعصبات، پلیس شهر سانفرانسیسکو قدمهای مصممی برداشته و بر میدارد که بعد از گزارش این جرائم تحقیقات لازمه را انجام داده و در تنبیه های قانونی این مجرمان یا فشاری مصممانه داشته باشند. در هر زمانی که احساس میکنید که احتمالاً قربانی جرائم ناشی از تعصبات شده اید لطفاً بلافاصله قدمهای زیر را بردارید:

- ۱- گزارش جرم به اداره محلی پلیس.
- ۲- یادداشت کردن تمام سخنها گفته شده که بتوانید دقیقاً به پلیس بازگو نمایید.
- ۳- حفظ کردن تمام شواهد لازمه که فکر میکنید در تعقیب قانونی این شخص کمک خواهد کرد.
- ۴- در تماس نزدیک بودن با نماینده های گروههای مربوطه که در همسایگی شما هستند. "لطفاً برای لیست گروه ها به صفحه آخر این راهنما رجوع کنید". این گروهها قادر هستند در تمام مراحل تعقیب قانونی این مسائل کمک خوبی برای شما باشند.
- ۵- اگر هر گونه سوالی در مورد مطالب ذکر شده دارید، لطفاً با اداره پلیس شهر سانفرانسیسکو، بخش جرمهای ناشی از تعصبات، با تلفن شماره: ۹۱۴۰-۵۵۳-(۴۱۵) 415-553-9140 تماس بگیرید.

خلاصه ای از قوانین کالیفرنیا بر علیه جرمهای ناشی از تعصب

در ایالت کالیفرنیا قوانین مهمی که مربوط به حفاظت حقوق فردی در اجتماع و اینکه چگونه شما را در مقابل حوادثی که انگیزه های تعصبی دارند حفاظت نمایند عبارتند از:

قانون حقوق فردی در اجتماع (که ناشی "رالف" است) و
قانون حقوق فردی در اجتماع (که ناشی "بین" است)

بعلاوه قوانین ذکر شده در بالا، قوانین جنائی هم وجود دارد که صرفاً برای حفاظت حقوقی قربانیان جرائم ناشی از تعصب ایجاد شده. اگر متهم با در نظر گرفتن این قوانین محکوم شود مسلماً مجازات های قانونی سنگین تری برای او تعیین خواهد شد. اگر شما قربانی هر گونه تعصبی هستید میتوانید برای تعقیب قانونی مرتکب، راههای زیر را در نظر داشته باشید:

۱- تعقیب قانونی

اگر بموقع گزارش لازمه را به پلیس بدهید مسلماً اداره پلیس و دادستان شهر به مدد شما خواهند آمد.

۲- طلب خسارت مالی از مرتکب

دادستان شهر، وکیل شهر سافرانسیسکو، وکیل ایالت کالیفرنیا و یا وکیل خصوصی خود شما میتوانند بشما کمک های لازمه را برای گرفتن خسارت بکنند.

بعلاوه وکلای قید شده، مؤسسات و ادارات زیر هم برای هر نوع کمکی به شما آماده هستند:

۱- اداره استخدام و مسکن منصفانه

Dept. of Fair Employment and Housing

۲- کمیسیون حقوق بشر در نزدیکی محل زندگی شما

Local Human Rights Commission

۳- گروههای مختلفه که در همسایگی شما مستقر هستند (لطفاً به صفحه آخر راهنما برای نام این گروهها مراجعه کنید)

حفاظت و منافع دیگری که طبق دو قانون قید شده در بالا ("رالف" و "بین") بر هر قربانی جرائم ناشی از تعصب ممکن است تعلق بگیرد به قرار زیر است:

۱- صدور دستور دادگاه که جلودار هر گونه تهدید و خشونت نسبت به شما در آینده باشد.

۲- وخواست خسارت مالی و یا جریمه شخصی بر علیه مرتکب تا مبلغ ۲۵۰۰۰ دلار

۳- کارمزد وکیل شخصی

اگر شما مایل به گزارش کسانی که الفاظ رکیک و اذیت کننده به شما زده اند هستید، که این گفته ها در حقیقت جزو جرائم ناشی از تعصبات محسوب نمی شود، میتوانید با مؤسسه "اینترگروپ کلیرینگ هاوس"

"INTERGROUP CLEARINGHOUSE"

با شماره تلفن ۹۴۱۰ - ۵۶۴ - (۴۱۵) 415-564-9410 تماس بگیرید که آنها نام و شماره تلفن مؤسسه مربوط که در

همسایگی شما است در اختیار تان بگذارند. البته شما میتوانید مستقیماً با بخش جنایات ناشی از تعصب اداره پلیس شهر

سافرانسیسکو تماس بگیرید.

جریحه دار شدن احساسات شخصی در عکس العمل در مقابل جرائم ناشی از تعصب

اثرات جرمهای ناشی از تعصب بر روان شخص متضرر و یا جامعه بطور کلی میتواند کوتاه و یا طولانی مدت باشد. اصولاً آگاهی به اثرات این تهاجمات بر علیه شخص شما ممکن است شما را در مقابله با جریحه دار شدن احساسات شخصی خود آماده تر کند.

در ابتدا اتفاق اینگونه حملات خیلی طبیعی است که یک نوع احساس ناپاوری و یا شوک بشما دست میدهد. ممکن است نتیجه این حملات بدون دلیل یک نوع احساس ناتوانی عمیق در شما ایجاد نماید ولی بخاطر داشته باشید که این حملات فقط بر علیه هویت اصلی شماست نه بر اصل دلایل دیگر.

اصل مسلم این است که شما قادر به بتغییر و تعویض نژادتان، اقلیت ملی و یا جنسیتان نیستید. پس اگر قربانی اینگونه حملات باشید داشتن احساساتی از جمله خشم، ترس، ناتوانی و یا دلهره های شخصی کاملاً عکس العمل طبیعی است. در این مواقع مسلماً ملاقات و صحبت کردن با نماینده های آگاه که در مؤسسات همسایگی شما هستند و کارشان در واقع حمایت شماست خیلی مفید میباشد.

البته صحبت کردن با یک روانشناس کمک بزرگی در کاهش ترسهای شما میباشد. لطفاً به نام این مؤسسات در صفحه آخر این راهنما مراجعه نمایند.

خلاصه مطلب

اداره پلیس و دفتر دادستانی شهر سانفرانسیسکو از تمام همکاری های شما در گزارش دادن اینگونه اتفاقات سپاسگزار هستند. با این عمل، شما نه تنها در خود قدرت نفسی بوجود می آورید که واقعاً هیچکس قادر به توهین حقوق شخصی شما نیست بلکه نتیجه مثبت این گزارش ها این است که شما موجب جلوگیری اینگونه اتفاقات برای افراد دیگری مثل خودتان در آینده شده اید.

تلفن مستقیم بخش جرائم ناشی از تعصب اداره پلیس سانفرانسیسکو:

۹۱۴ - ۵۵۳ - (۴۱۵)

415-553-9140

Hate Crimes Unit Hotline S.F. Police Department

415-553-9140

فهرست اسامی سازمانها 2002

۴۱۵-۹۸۱-۳۵۰۰	مقابله با اعمال ضد یهودی Anti Defamation League	* سازمان کمک به یهودیان 415-981-3500
۴۱۵-۳۹۱-۱۶۵۵	مقابله باخشونت بر علیه آسیای ها Asian Law Caucus	* سازمان قوانین آسیایی 415-391-1655
۴۱۵-۶۳۲-۸۲۸۵	گروه سیاهپوستان آمریکا Bay Area Urban League	* سازمان کمک به سیاهپوستان آمریکا 415-632-8285
۴۱۵-۲۷۴-۶۷۵۰	افراد چینی آمریکایی Chinese for Affirmative Action	* سازمان حقوق مساوی برای چینی ها 415-274-6750
۴۱۵-۲۴۳-۸۲۱۵	اتحاد شمال کالیفرنیا برای حقوق مهاجرین همه مهاجرین (انگلیسی-اسپانیولی-چینی-ژاپنی) Northern California Coalition for Immigrant Rights	* اتحاد شمال کالیفرنیا برای حقوق مهاجرین 415-243-8215
۴۱۵-۷۷۷-۵۵۰۰	برای افراد هم جنس باز Community United Against Violence	* جامعه متحد بر ضد خشونت 415-777-5500
۸۰۰-۸۸۴-۱۶۸۴	برای همه افراد جامعه Fair Employment & Housing	* اداره استخدام و مسکن 800-884-1684
۴۱۵-۵۵۳-۷۴۰۰	برای همه افراد جامعه F.B.I. Human Rights Commission	* اف.بی.آی برای حقوق بشر 415-553-7400
۴۱۵-۲۵۲-۲۵۰۰	برای همه افراد جامعه S.F. Human Rights Commission	* کمیسیون حقوق بشر سانفرانسیسکو 415-252-2500
۴۱۵-۵۶۴-۹۴۱۰	برای همه افراد جامعه Intergroup Clearinghouse	* اینتر گروپ کلیرینگ هاوس 415-564-9410
۴۰۸-۲۹۶-۷۳۱۲	برای مسلمانان Islamic Network Group	* گروه پیوند اسلامی 408-296-7312
۴۱۵-۹۲۱-۵۲۲۵	برای افراد ژاپنی آمریکایی Japanese American Citizen League	* اتحادیه سیتیزن های ژاپنی آمریکایی 415-921-5225
۴۱۵-۵۴۳-۹۴۴۴	برای همه افراد Lawyer Committee for Civil Rights	* کمیته وکلای برای حقوق بشر 415-543-9444
۴۱۵-۹۲۲-۳۵۲۷	برای همه افراد N.A.A.C.P.	* گروه ملی برای پیشرفت سیاهپوستان 415-922-3527
۴۱۵-۵۵۳-۱۷۵۲	برای همه افراد S.F. District Attorney Office	* اداره دادستانی (وکیل منطقه) سانفرانسیسکو 415-553-1752

HATE CRIMES AND THE VICTIM- ARABIC

جرائم الكراهية والضحية

دليل الاجراءات القانونية



وحدة جرائم الكراهية – قسم شرطة سان فرانسيسكو

يناير 2002

مقدمة

يتقدم أعضاء وحدة جرائم الكراهية بقسم شرطة سان فرانسيسكو إليك بالشكر على شجاعتك وتعاونك في التبليغ عن جريمة الكراهية المرتكبة ضدك.

تعتبر جرائم الكراهية من ضمن أنواع كثيرة من الجرائم التي يتم البلاغ عنها نادراً كل عام لأن معظم ضحاياها يفضلون الصمت. ويستطيع القانون حماية المواطنين بطريقة فعالة فقط إذا بلغ الضحايا عن الجرائم وتابعوا ذلك بمقاضاة المعتدين. وتعتدي جرائم الكراهية على الحقوق المدنية للضحايا الذين قد يشعروا بالخوف والاهانة وقلة الحيلة.

تم اصدار هذا الكتيب لمساعدتك على فهم المعنى المقصود بجريمة الكراهية وللمساعدة في تجهيز دورك أثناء التحريات الجنائية و/ أو المدنية والمقاضاة الناتجة عنها. إن وجود العديد من الاشخاص ذوي الخبرة داخل نظام العدالة الجنائية بالاضافة إلى جاليتك سوف يساعد على تسهيل هذا الأمر عليك و سيسانذك بقدر الامكان أثناء مرورك بهذه الاجراءات.

وسوف يخطر هذا الكتيب كذلك عن أماكن المساعدة بخصوص الصعوبات الطبية والعاطفية التي قد تترتب عن هذا النوع من الاعتداء عليك، كما يخطر أيضاً بالمساعدات الاجتماعية المتاحة لك حالياً.

ماهي جريمة الكراهية؟

تصنف معظم أفعال العنف بسبب الكراهية ضمن درجة جرائم الكراهية التي يعاقب عليها القانون. وقد ترتكب أى من الأفعال التالية ضد شخص بسبب هوية الضحية / أو بسبب الانطباع المكون عنه. (بمعنى آخر، أنت تصير ضحية بسبب سلالتك أو لونك أو دينك أو منشأك القومي أو تكييفك الجنسي أو نوع جنسك أو ارتباطاتك السياسية ...الخ).

والحوادث المرتكبة بسبب الانحياز هي :

- تهديدات شفوية أو كتابية أو محاولات التخويف المستمرة.
- تحطيم / تخريب متعمد للممتلكات.
- الاعتداءات الجسدية أو الشروع في الاعتداء.

لا تعتبر كل أفعال الكراهية جرائم، فعلى الرغم من أن الشتيمة مهينة لكنها ليست جريمة إلا لو صاحبها تهديد بالعنف قابل للتطبيق مع المقدرة على تنفيذ التهديد. تذكر مع ذلك بأن سبب هذه الجريمة ضدك يجب أن يكون ضاراً بك ضرراً كلياً أو جزئياً لكي يتم اعتبارها جريمة كراهية.

تبليغ الشرطة عن جريمة كراهية

إن سياسة قسم شرطة سان فرانسيسكو هي تأكيد حماية الحقوق لجميع المواطنين بموجب دستور الولايات المتحدة وقوانين ولاية كاليفورنيا بغض النظر عن أى مميزات شخصية، والقيام بدور فعال لحماية كل المواطنين ضد جرائم الكراهية بالتحري عن الوقائع الاجرامية المبنية على التحيز وتأييد مقاضاة هذه الحالات بحسم.

إذا كنت تعتقد أنك كنت ضحية لجريمة كراهية فعليك أن :

1. تبلغ قسم الشرطة بمنطقتك عن الجريمة في الحال.
2. تكتب بدقة ماقاله لك الشخص المعتدي حتى تستطيع تبليغ الشرطة به.
3. تحتفظ بأي دليل يمكن استخدامه في مقاضاة الشخص المعتدي المسؤول.
4. تتصل بشخص يمثل مجموعة الجالية المناسبة التي تطلب مساعدتها أثناء الاجراءات القانونية.
5. تتصل بخط الهاتف الساخن لوحدة جرائم الكراهية بقسم شرطة سان فرانسيسكو ورقمه 9140-553، إذا كان لديك أي سؤال فيما يتعلق بما سبق ذكره.

قوانين ضد جرائم الكراهية

يوجد بولاية كاليفورنيا تشريعان للحقوق المدنية لحمايةك ضد وقائع دافعها الانحياز، وهما:

تشريع رالف القانوني للحقوق المدنية

تشريع بين القانوني للحقوق المدنية

كما توجد أيضاً قوانين جنائية مخصصة لحماية ضحايا جرائم الكراهية والتي تفرض عقوبات أشد قسوة على الشخص المسؤول إذا تمت إدانته بالتهمة الموجهة إليه.

إذا أصبحت ضحية لواقعة عنف بسبب الكراهية يوجد أمامك عدة خيارات قانونية:

1. المطالبة باتخاذ اجراءات جنائية

يستطيع قسم الشرطة ومكتب المدعي العام مساعدتك فقط إذا سجلت تقريراً بقسم الشرطة.

2. رفع دعوى مدنية ضد الشخص المعتدى عليك

يستطيع محامي المدينة أو وكيل النيابة أو المدعي العام بالولاية أو محام خاص مساعدتك بخصوص هذا الشأن. بالإضافة إلى ذلك تستطيع مصلحة الإسكان والتوظيف العادل أو لجنة حقوق الانسان بمنطقتك أو مجموعات اجتماعية مختلفة مساعدتك أيضاً.

وتعتبر الأشياء التالية من ضمن التدابير القانونية المتاحة حسب تشريعات رالف وبين القانونية للحقوق المدنية :

أمر قضائي لحمايةك ضد أي تهديدات أو أعمال عنف مستقبلية

تعويضات مادية فعلية وغرامة مالية قيمتها 25000 دولار ضد المعتدى عليك

أتعاب المحام

إذا أردت التبليغ عن واقعة مضايقة بالكلام لاينطبق عليها التعريف القانوني لجريمة الكراهية، فيمكنك الاتصال بـ "انترجروب كليرنج هاوس" (دار المعاوضة بين المجموعات) (هاتف: 9410-564-415) للاستفسار عن اسم ورقم هاتف الهيئة المناسبة أو تتصل مباشرة بوحدة جرائم الكراهية.

رد الفعل العاطفي على جريمة الكراهية

جرائم الكراهية يمكن أن تسبب تأثيرات فورية وأيضاً طويلة المدى على الضحية وعلى كل المجتمع. إن إدراك هذه التأثيرات سوف يسهل عليك نمييزها وكيفية التصرف تجاهها إذا أصبحت ضحية. قد تشعر مبدئياً بفقدان الحس والصدمة والانكار. وقد تشعر بقلة الحيلة في معرفة سبب الاعتداء عليك. يجب أن تتذكر أنك هوجمت بسبب مرتبط بكيانك وليس لأنك كنت ضحية عابرة. أنت لا تستطيع أن تغير سلالته أو عرقك أو ميولك الجنسية.. الخ. وقد يتولد الشعور بالغضب والخوف وعدم الحيلة والقلق، وهذا شئ طبيعي. ومن المهم في هذا الوقت أن تتحدث مع شخص أو مجموعة اجتماعية مؤيدان لك لمساعدتك في التعبير عن مشاعرك بالنسبة لما حدث لك. من الممكن أن يساعدك الحديث مع مستشار متخصص على تخفيف مخاوفك. الرجاء قضاء بعض الوقت في مراجعة قائمة الوكالات المتاحة لمساعدتك والموجودة بنهاية هذا الكتيب.

استنتاج

يقدر قسم شرطة سان فرانسيسكو ومكتب وكيل النيابة تعاونك. إن استعدادك لعمل تقرير عن هذه الواقعة يمكن أن يمنع تعرض الآخرين للضرر بنفس الطريقة. وباتخاذك هذه الخطوة فأنت تزيد من اعتزازك بقدراتك والتحكم فيما يحدث لك.

نرجو أن يكون هذا الكتيب مفيداً ومتقفاً لك ونحن موجودون لمساعدتك في أي مشاكل وللإجابة على أية أسئلة لديك.

الخط الساخن لوحدة جرائم الكراهية
(415)553-9140

قائمة بالجهات التي يمكن اللجوء اليها لإعطاء المعلومات

ضد السامية	التحالف ضد تشويه السمعة (415)-981-3500
عنف ضد الآسيويين	الجمعية الانتخابية القانونية الآسيوية (415) -391-1655
جالية الأمريكيين الأفريقيين	التحالف المدني بمنطقة الخليج (415)-632-8285
جالية الأمريكيين الصينيين	الصينيون المؤيدون للعمل الإيجابي (415)-274-6750
كل المهاجرين بالولايات المتحدة (إنجليزي/أسباني/صيني/ياباني)	تحالف شمال كاليفورنيا لحقوق المهاجرين (415)-243-8215
جاليات اللوطيين والمساحقات وثنائي الجنس والمغيرين لجنسهم	جالية متحدة ضد العنف (415)-777-5500
كل الجاليات	لجنة الاسكان والتوظيف العادل (800)-884-1684
كل الجاليات	وحدة إف.بي.آي. للحقوق المدنية (415)-553-7400
كل الجاليات	لجنة حقوق الانسان بسان فرانسيسكو (415)-252-2500
كل الجاليات	دار المعاوضة بين المجموعات (415)-564-9410
الجاليات الاسلامية	مجموعة الشبكة الاسلامية (408)-296-7312
جالية الأمريكيين اليابانيين	تحالف المواطنين الأمريكيين اليابانيين (415)-921-5225
كل الجاليات	لجنة المحامين للحقوق المدنية (415)-543-9444
جالية الأمريكيين الأفريقيين	إن.إيه.إيه.سي.بي (415)-922-3527
كل الجاليات	مكتب وكيل النيابة بسان فرانسيسكو (415)-553-1752

HATE CRIMES AND THE VICTIM

A GUIDE TO THE LEGAL PROCESS



HATE CRIMES UNIT
SAN FRANCISCO POLICE DEPARTMENT

JANUARY 2003

INTRODUCTION

The San Francisco Police Department members of the Hate Crimes Unit thank you for your courage and cooperation in reporting the hate crime perpetrated against you.

Hate Crimes are amongst many types of crimes which go under-reported each year because many of its victims choose to remain silent. The law can effectively protect its citizens only if victims report crimes and follow through with prosecution of offenders. Hate Crimes violate the victims' civil rights. The victims may experience fear, degradation, and powerlessness.

This pamphlet has been compiled to help you understand what a hate crime is and to help prepare you for your role in the criminal and/or civil investigation and resulting prosecution. There are many experienced people within the criminal justice system and your community who will try to make this as easy as possible for you and who will lend support while you are going through the process. This pamphlet will also tell you where to find help for medical and emotional difficulties that may arise as a result of this type of victimization, as well as provide you with community resources currently available to you.

WHAT IS A HATE CRIME?

Many acts of hate violence fall under the category of hate crimes and are punishable by law. It can be one of the following acts committed against an individual because of who the victim is/or who they are perceived to be. (In other words you are victimized because Of Your race, color, religion, ancestry, national origin, sexual orientation, gender or political affiliation, etc.)

Bias motivated incidents are:

- *Spoken or written threats or on-going patterns of intimidation
- *Destruction / vandalism of property
- *Physical attacks or attempted attacks

Not all incidents of hatred are crimes. Verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry the threat out.

Remember, however, that the reason this crime was committed against you **MUST**, in whole or part, be prejudicial in order for it to be considered a hate crime.

REPORTING A HATE CRIME TO THE POLICE

It is the policy of the San Francisco Police Department:

To ensure that rights guaranteed by the constitutions and laws of the State of California and the United States are protected for all citizens regardless of any personal characteristic, and to take a proactive role to protect all citizens against hate crimes by investigating prejudiced-based criminal incidents and supporting vigorous prosecution of such cases.

When you believe you have been a victim of a hate crime you should:

1. Report the crime to your district police station, immediately...
2. Write down exactly what was said to you by the offender so you can tell the police...
3. Save any evidence that may assist in prosecuting the person responsible...
4. Contact a representative of the appropriate community group that will assist you through the legal process...
5. Contact the SFPD Hate Crimes Unit Hot Line at 553-9140, if you have any questions regarding the above.

LAWS AGAINST HATE CRIMES

The State of California has two civil rights statutes that will protect you against bias motivated incidents.

They are:

The Ralph Civil Rights Act

The Bane Civil Rights Act

There are also criminal laws which are designated to protect victims of hate crimes and will ensure a more severe punishment if the person responsible is convicted of the offense.

If you become a victim of an act of hate violence, you can pursue several legal options:

1. Seek criminal prosecution.

The Police Department and District Attorney's Office can assist you in this area only if you make a police report.

2. File a civil lawsuit against your attacker.

The City Attorney, District Attorney, State Attorney General or private legal counsel can all help you in this regard. Additionally, the Department of Fair Employment and Housing, your local Human Rights Commission, and various community groups can also be of assistance.

Among the legal remedies available under the Ralph and Bane Civil Rights Acts are the following:

Court order to protect you from further threats or acts of violence.

Actual monetary damages and a \$25,000 fine against your attacker

Attorney fees

If you want to report an incident of verbal harassment that does not meet the legal definition of a hate crime, you may do so by contacting Intergroup Clearinghouse, (415) 564-9410, for the name and telephone number of the appropriate agency, or by calling Hate Crimes Unit directly.

EMOTIONAL RESPONSE TO A HATE CRIME

Hate crimes can have both immediate and longterm effects on the victim and the entire community. Being aware of them may help you recognize and deal with the effects of your victimization.

Initially you may feel numb with shock and disbelief. You may feel powerless because of why you were attacked. Remember, you were attacked because of who you are, not because you were a victim of opportunity. You can't change your race, ethnicity, sexuality, etc. Feelings of anger, fear, helplessness, and anxiety may begin to emerge. This is natural. It is important, at this time, to talk with a supportive person or community group, so that you can express your feelings about what has happened to you. Talking with a professional counselor can also help alleviate your fears. Please take time to refer to the list of agencies available to help you at the back of this pamphlet.

CONCLUSION

The San Francisco Police Department and District Attorney's Office appreciate your cooperation. Because you were willing to make a report about this incident, you may be preventing others from being harmed in the same way. By taking this step, you are also empowering yourself and saying you will be in control of what happens to you.

We hope that this pamphlet has been helpful and informative to you and we are available to assist you with any problems or questions you may have.

HATE CRIMES UNIT HOT LINE

(415) 553-9140

2003

COMMUNITY REFERRAL LIST

ANTI DEFAMATION LEAGUE (415) 981-3500	ANTI-SEMITISM
ASIAN LAW CAUCUS (415) 896-1701	VIOLENCE AGAINST ASIANS
CHINESE FOR AFFIRMATIVE ACTION (415) 274-6750	CHINESE AMERICAN COMMUNITY
COMMUNITY UNITED AGAINST VIOLENCE (415) 777-5500	GAY, LESBIAN, BISEXUAL, TRANSGENDERED COMMUNITIES
FAIR EMPLOYMENT & HOUSING COMM. (800) 884-1684	ALL COMMUNITIES
F.B.I. CIVIL RIGHTS UNIT (415) 553-7400	ALL COMMUNITIES
S.F. HUMAN RIGHTS COMMISSION (415) 252-2500	ALL COMMUNITIES
INTERGROUP CLEARINGHOUSE (415) 564-9410	ALL COMMUNITIES
ISLAMIC NETWORK GROUP (408) 296-7312	ISLAMIC COMMUNITIES
JAPANESE AMERICAN CITIZENS LEAGUE (415) 921-5225	JAPANESE AMERICAN COMMUNITY
LAWYERS COMMITTEE FOR CIVIL RIGHTS (415) 543-9444	ALL COMMUNITIES
N.A.A.C.P. (415) 922-3527	AFRICAN AMERICAN COMMUNITY
S.F. DISTRICT ATTORNEY'S OFFICE (415) 553-9044 (415) 553-1752	ALL COMMUNITIES
LA RAZA CENTRO LEGAL (415) 863-0764	LATIN COMMUNITY

INTERAGENCY OPERATIONS

The purpose of this order is to establish policies regarding planned and ongoing interagency operations. It is not intended to restrict a member of the San Francisco Police Department from appropriately assisting a member of another law enforcement or government agency in a spontaneous situation. Instead, this order is established to ensure that command personnel are aware of interagency operations, and that members receive prior approval before participating in them.

I. DEFINITIONS

- A. Interagency Operation(s): Any planned or ongoing operation or investigation involving the San Francisco Police Department and an outside agency.
- B. Outside Agency: Any local, state or federal law enforcement or government agency, e.g., FBI, DEA, State Parole, ABC, ATF.

II. POLICY

- A. GENERAL. It is the policy of the San Francisco Police Department that all interagency operations involving members of the San Francisco Police Department shall receive prior approval of the member's deputy chief.
- B. REQUESTS BY AN OUTSIDE AGENCY. When the assistance of the -San Francisco Police Department is requested by an outside agency for any planned operation or investigation, the member receiving the request shall refer the agency to his/her deputy chief. No member shall participate in an operation or investigation unless it has been approved by the appropriate deputy chief.
- C. REQUESTS BY THE SAN FRANCISCO POLICE DEPARTMENT. Any member of the San Francisco Police Department needing assistance from an outside agency for a planned operation or investigation shall first obtain the permission of his/her deputy chief prior to making the request. .

DGO 5.14
05/17/95

D BRIEFING/MEETING. Interagency operations or investigations shall be the subject of a briefing or meeting between the Department and the outside agency to discuss law enforcement issues unique to San Francisco, e.g, operational objectives, roles of, agencies, and community concerns. It shall be the responsibility of the Deputy Chief (or his/her designee) conducting this meeting or briefing to ensure that outside agents are aware of applicable Department General Orders before the operation commences.

E. OPERATIONS. During the operation, it shall be the responsibility of the senior ranking officer to make every effort to ensure that no violations of Department General Orders are committed by the outside agents. Should any violation occur, it shall be the responsibility of the senior ranking officer to inform the person committing the violation that such action violates San Francisco Police Department General Orders.

GENERAL ORDER

12/13/95

ENFORCEMENT OF IMMIGRATION LAWS

The purpose of this order is to establish policies regarding the enforcement of immigration laws and cooperation with the Immigration and Naturalization Service (INS) in conformity with state and federal laws and the City of Refuge Ordinance, San Francisco Administrative Code Section 12H.2-1.

I. POLICY

- A. It is the policy of the San Francisco Police Department to foster trust and cooperation with all people of this City and to encourage them to communicate with San Francisco police officers without fear of inquiry regarding their immigration status. It is also Department policy, consistent with its obligations under state and federal law, to adhere to the City of Refuge Ordinance. This ordinance prohibits the use of City resources to assist in the enforcement of federal immigration laws except in certain limited circumstances listed below.
- B. In accordance with the City of Refuge Ordinance and state law, members of the Department shall adhere to the following:
 - 1. DETENTION/DOCUMENTS. Members shall not stop, question, or detain any individual solely because of the individual's national origin, foreign appearance, inability to speak English, or immigration status (also see DGO 5.03, Investigative Detentions). The mere presence of so-called "illegal aliens" is not a criminal offense.
 - a. In the course of their duties, e.g., traffic enforcement, investigations, taking reports, officers shall not ask for documents regarding an individual's immigration status.
 - 2. ASSISTING THE INS. Members shall not enforce immigration laws or assist the INS in the enforcement of immigration laws.

3. REQUESTS FOR BACKUP ASSISTANCE. Members may provide backup assistance to the INS only when the member determines that there is a significant danger of personal injury or serious property damage. Backup assistance is justified only in rare circumstances where INS agents are in "significant" danger. Examples include, but are not limited to:

- When firearms or weapons are involved.
- When a subject to be detained has a history of violence.
- When agents are physically attacked.

Backup assistance shall not be provided to INS agents for routine operations or raids.

- a. INTERAGENCY OPERATIONS. If a request for backup assistance is made in advance, the member's Deputy Chief must approve (see DGO 5.14, Interagency Operations).
- b. DUTIES OF MEMBERS. Members providing backup assistance to the INS, shall immediately notify their supervisor and file an incident report describing the reasons for their assistance.
- c. DUTIES OF SUPERVISORS. When notified that a member is providing backup assistance to the INS, supervisors shall immediately respond to the location and ensure that such assistance is warranted.
- d. TRANSPORTATION. Members shall not assist the INS in transporting persons suspected solely of violating federal immigration laws.
- e. ENFORCEMENT OF STATE AND LOCAL LAWS. Nothing in this order prohibits a member from performing his/her duties in enforcing state and local laws.

4. WHEN INFORMATION MAY BE RELEASED. A member shall not inquire into an individual's immigration status or release or threaten to release information to the INS regarding an individual's identity or immigration status except:
- a. CONTROLLED SUBSTANCES BOOKINGS (HEALTH & SAFETY CODE 11369).
When a person has been arrested for any of the following offenses involving controlled substances: Health and Safety Code Sections 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366, 11550, and there is reason to believe that the person may not be a citizen of the United States. Such belief cannot be based solely upon a person's inability to speak English or his/her "foreign" appearance.
 - b. FELONY BOOKINGS (S.F. ADMIN. CODE 12H. 2-1). When a person is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws. Such suspicion cannot be based solely upon a person's inability to speak English or his/her "foreign" appearance.
 - c. PRIOR FELONY CONVICTION (S.F. ADMIN. CODE 12H. 2-1 (a)(b)(c)).
 - (1) When a person has been booked at any county jail facility and has previously been convicted of a felony committed in violation of the laws of the State of California which is still considered a felony under state law; or
 - (2) When the INS makes a request for information about a person and the person has previously been convicted of a felony committed in violation of the laws of the State of California which is still considered a felony under state law.
 - d. NO RELEASE FOR PUBLIC DEMONSTRATIONS (S.F. ADMIN. CODE 12H.2-1).
The City of Refuge ordinance prohibits release of information to the INS in a case where a person has been arrested or convicted for failing to obey a lawful order of a police officer during a public assembly, or for failing to disperse after a police officer has declared an assembly to be unlawful and ordered dispersal (Penal Code Section 409).

DGO 5.15
12/13/95

5. RELEASE OF INFORMATION TO THE INS

- a. Generally, any release of information to the INS will be handled by Police Department personnel at the County Jail pursuant to authorized procedures.
- b. Before release can be made by personnel other than those assigned to the County Jail, a member must have the authorization of his/her Watch Lieutenant or Officer-in-Charge.

C. COOPERATION WITH FOREIGN GOVERNMENTS. Members shall not assist or cooperate with any investigation, surveillance or information gathering conducted by a foreign government unless it is related to an investigation, authorized by the Police Department, into a violation of city and county, state or federal criminal laws. (See DGO 8.10, Guidelines for First Amendment Activities.)

D. DEPARTMENT EMPLOYEES. Nothing in this General Order prevents the Department, when required by federal or state law, from inquiring into the immigration status of an individual seeking employment with the Department.

E. COMPLIANCE. Failure to comply with any provision of this General Order shall subject the member to disciplinary action.

References

DGO 5.03, Investigative Detentions
DGO 5.14, Interagency Operations

GENERAL ORDER

08/17/94

INVESTIGATIVE DETENTIONS

This order establishes policies and procedures regarding investigative detentions.

I. POLICY

- A. DETENTIONS.** It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity. Factors such as the person's race, sex, sexual orientation, age, dress, unusual or disheveled or impoverished appearance do not alone justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others.
- B. REASONABLE SUSPICION.** A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.
- C. LENGTH OF DETENTION.** A detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation.
- D. REQUESTS FOR IDENTIFICATION.** The refusal or failure of a person to identify himself or herself or to produce identification upon request of a police officer cannot be the sole cause for arrest or detention, except where the driver of a motor vehicle refuses to produce a driver license upon the request of an officer enforcing the Vehicle Code or the Traffic Code. Except in the case of a driver of a motor vehicle, a person's refusal or failure to produce identification is not unlawful, and an officer may not threaten a person with arrest solely for his or her refusal to identify himself or herself.
- E. ORDERS TO MOVE ON.** Officers do not have the authority to order persons to "move on" absent probable cause to believe an offense has occurred, or absent articulable facts requiring movement for public safety. Also see DGO 5.07, Rights of Onlookers.
- F. WARRANT CHECKS (POLICY).** See DGO 6.18, Warrant Arrests.

III. PROCEDURES

A. CERTIFICATE OF RELEASE/INCIDENT REPORT/DUTIES OF DETAINING OFFICER

1. BRIEF DETENTIONS. If you briefly detain a person where you stop him/her, or move a person a short distance for safety, convenience, or privacy, the person is not considered arrested or taken into custody. When releasing the person, you need not issue a Certificate of Release or prepare an incident report.
2. PROLONGED DETENTIONS. If, however, you release a person after he/she has been moved a substantial distance or has been detained a significant length of time, you must issue the person a Certificate of Release and prepare an incident report justifying the movement or the length of detention. Title the incident report "Investigative Detention," list the person as "D" detained, and include the reason(s) the subject was detained such a long time or why he/she was moved.
3. PHYSICAL RESTRAINT. If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.
4. UNDER THE INFLUENCE. If you arrest a person solely for being under the influence of a narcotic, drug or restricted dangerous drug and take him/her to a facility or hospital for treatment and no further proceedings are desirable, issue the person a Certificate of Release.
5. QUESTIONABLE SITUATIONS. If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.
6. FORM PREPARATION AND FILING. Complete the Certificate of Release form in duplicate. Give the original to the person being released and forward a copy to the Records Section, Room 475, Hall of Justice.

References

Penal Code Section 849(b)



A

03-030

03/07/03

GOVERNMENT AGENCY INQUIRIES

The Board of Supervisors has requested the Department provide the following information:

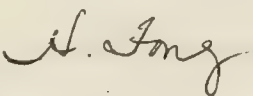
... as to whether our department or any employee within this department has been contacted by any agency of the state or federal government requesting information about any person identified as an immigrant to the United States, and if so the nature of such request, and whether the department or its employees have cooperated with such request in any way, and if so the nature of such cooperation.

To facilitate a response, each member who has been contacted by a state or federal government agency requesting information as outlined, shall submit a memo to Lt. Charles Keohane, Legal Division, through the appropriate channels.

Members should specifically articulate:

- The nature of the request
- Whether there was cooperation
- And if so, the nature of the cooperation

Members should reply by April 3, 2003.


for PRENTICE E. SANDERS
Chief of Police

Memorandum

San Francisco Police Department



TO: Paul Chignell
Captain
Investigations Bureau

PC
APPROVED
Capt. Paul C. Chignell #1250
Investigations Bureau
YES NO
☒ ☐
☐ ☐
☐ ☐

FROM: Lt. Morris Tabak *MT 499*
S.I.D./Hate Crimes Unit

DATE: January 28, 2003

SUBJECT: HATE CRIME STATISTICS - YEARLY RECAP - 2002

Following is a reporting of the incidents investigated by the Hate Crimes Unit during 2002:

ANTI SEMITIC	17
DISABILITY	0
ETHNIC	42
GAY RELATED	42
GENDER	2
POLITICAL	0
RACIAL	47
RELIGIOUS	<u>8</u>
TOTAL	158

There was a yearly decrease of 53 cases over 2001. A complete breakdown, by category and month, is attached hereto.

Copies: Chief Sanders; Asst. Chief Fagan; D/C Robinson; D/C Fong; D/C Suhr; D/C Bruce; D/C Pengel; Cmdr. Puts; Cmdr. Dudley; Commanding Officers, All District Stations; Planning Division; David Marin, D.A.'s Office; Intergroup; A.D.L.; Asian Law Caucus; Japanese American Citizens League; CUAV; Bay Area Urban League; NAACP; Ann Noel, Fair Employment & Housing Commission; Don Hesse, Human Rights Commission; Diane Chin; Kate Wingerson, S.F. Public Library; European/American Issues Forum; Visitation Valley Asian Alliance; F.B.I. Civil Rights Unit; Jesse Webster, Office of Fair Housing and Equal Opportunity; Immigration Rights Commission; Housing Authority

YEARLY RECAP - HATE CRIMES

2002

ANTI-SEMITIC

JANUARY	1	FEBRUARY	0	MARCH	-	APRIL	1	TOTAL =	17
MAY	4	JUNE	2	JULY	3	AUGUST	2		
SEPTEMBER	-	OCTOBER	1	NOVEMBER	-	DECEMBER	3		

DISABILITY

JANUARY	-	FEBRUARY	-	MARCH	-	APRIL	-	TOTAL =	0
MAY	-	JUNE	-	JULY	-	AUGUST	-		
SEPTEMBER	-	OCTOBER	-	NOVEMBER	-	DECEMBER	-		

ETHNIC

JANUARY	3	FEBRUARY	-	MARCH	4	APRIL	1	TOTAL =	42
MAY	1	JUNE	1	JULY	3	AUGUST	4		
SEPTEMBER	4	OCTOBER	8	NOVEMBER	7	DECEMBER	6		

GAY RELATED

JANUARY	1	FEBRUARY	4	MARCH	6	APRIL	3	TOTAL =	42
MAY	1	JUNE	5	JULY	4	AUGUST	6		
SEPTEMBER	5	OCTOBER	3	NOVEMBER	3	DECEMBER	1		

GENDER

JANUARY	-	FEBRUARY	-	MARCH	-	APRIL	-	TOTAL =	2
MAY	1	JUNE	-	JULY	-	AUGUST	-		
SEPTEMBER	-	OCTOBER	-	NOVEMBER	-	DECEMBER	1		

POLITICAL

JANUARY	-	FEBRUARY	-	MARCH	-	APRIL	-	TOTAL =	0
MAY	-	JUNE	-	JULY	-	AUGUST	-		
SEPTEMBER	-	OCTOBER	-	NOVEMBER	-	DECEMBER	-		

RACIAL

JANUARY	4	FEBRUARY	3	MARCH	3	APRIL	1	TOTAL =	47
MAY	5	JUNE	4	JULY	6	AUGUST	8		
SEPTEMBER	2	OCTOBER	4	NOVEMBER	4	DECEMBER	3		

RELIGIOUS

JANUARY	1	FEBRUARY	2	MARCH	-	APRIL	3	TOTAL =	8
MAY	-	JUNE	-	JULY	-	AUGUST	1		
SEPTEMBER	1	OCTOBER	-	NOVEMBER	-	DECEMBER	-		

MONTHLY REPORTING - ALL CATEGORIES

JANUARY	10	FEBRUARY	9	MARCH	13	APRIL	9	TOTAL =	158
MAY	12	JUNE	12	JULY	16	AUGUST	21		
SEPTEMBER	12	OCTOBER	16	NOVEMBER	14	DECEMBER	14		

INCREASE/DECREASE IN CASES FROM 2001

		DIFFERENCE
<u>ANTI-SEMITIC</u>		
<u>2001</u>	<u>2002</u>	
23	17	- 6
<u>DISABILITY</u>		
<u>2001</u>	<u>2002</u>	
0	0	0
<u>ETHNIC</u>		
<u>2001</u>	<u>2002</u>	
72	42	- 30
<u>GAY RELATED</u>		
<u>2001</u>	<u>2002</u>	
54	42	- 12
<u>GENDER</u>		
<u>2001</u>	<u>2002</u>	
5	2	- 3
<u>POLITICAL</u>		
<u>2001</u>	<u>2002</u>	
0	0	0
<u>RACIAL</u>		
<u>2001</u>	<u>2002</u>	
57	47	- 10
<u>RELIGIOUS</u>		
<u>2001</u>	<u>2002</u>	
0	8	+ 8
<u>YEARLY TOTAL:</u>		
<u>2001</u>	<u>2002</u>	
211	158	- 53

IMAN FARAJALLAH
G.O.M.A.C.
GRASSROOTS ORGANIZERS FROM THE
MUSLIM AND ARAB COMMUNITY

650-994-1025

HELAL OMEIRA
DIRECTOR OF THE NORTHERN CALIFORNIA
CHAPTER OF THE COUNCIL OF AMERICAN
ISLAMIC RELATIONS

(408) 476-7843 EMERGENCY
(408) 989-9874 OFFICE

SOULEIMAN GHALI
PRESIDENT
ISLAMIC SOCIETY OF San Francisco

415-217-7554 EMERGENCY
415-863-7997 OFFICE

MAHA EL GENAIDI
EXECUTIVE DIRECTOR OF THE ISLAMIC
NETWORKS GROUP

(408) 296-7312



SFPD Roll Call Training Lesson

Subject: Enforcement of Immigration Laws-City of Refuge

Pretest:

Can a San Francisco Police Officer assist an Immigration and Naturalization Agent checking for "illegal aliens" in a sewing factory?

Scenario:

You are booking a suspect for armed robbery. A check of his RAP sheet reveals a prior conviction for armed robbery. The suspect is Hispanic and speaks very little English. You also note on his RAP sheet that he has numerous en-route U.S. Department of Immigration holds. You believe the suspect to be an "undocumented alien" with a prior felony conviction and pick up the telephone to notify Immigration. You are stopped by your supervisor who reminds you of DGO 5.15 and the "City of Refuge" Ordinance. Who is right?

Critical Issues:

- Members shall not stop, question or detain any individual solely because of the individual's national origin, foreign appearance, inability to speak English or immigration status.
- Members shall not enforce immigration laws or assist the INS in the enforcement of immigration laws except
 1. When a person has been arrested for Health and Safety Code Sections 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11357, 11359, 11360, 11361, 11363, 11366, 11355 and there is reason to believe that the person may not be a citizen of the United States.
 2. When a person is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws.
 3. Prior felony conviction.
 - a. When a person has been booked at any county jail facility and has previously been convicted of a felony committed in violation of the laws of the State of California, or
 - b. When the INS makes a request for information about a person and the person has previously been convicted of a felony in violation of the laws of the State of California.

4. Before release can be made by personnel other than those assigned to the county jail, a member must have the authorization of his/her watch lieutenant or Officer-in-charge.
- Members may provide back-up assistance to the INS only when the member determines that there is a significant danger of personal injury or serious property damage.
 1. If a request for back-up assistance is made in advance, the member's Deputy Chief must approve.
 2. Members providing back-up assistance to the INS must immediately notify their supervisor who shall immediately respond to the location and ensure that such assistance is warranted.
 3. Members shall file an incident report describing the reasons for their assistance.
 4. Members shall not assist INS in transporting persons suspected solely of violating federal immigration laws.
 5. SFPD Policy does not prohibit a member from performing his/her duties in enforcing state and local laws.
 - The City of Refuge Ordinance prohibits release of information to the INS in a case where a person has been arrested or convicted for failing to obey a lawful order of a police officer during a public assembly, or for failing to disperse after a police officer has declared an assembly to be unlawful and ordered dispersal.
 - Members shall not assist or cooperate with any investigation, surveillance or information gathering conducted by a foreign government unless it is related to an investigation, authorized by the Police Department, into a violation of city and county, state or federal criminal laws.

Related Ethics:

It is the policy of the San Francisco Police Department to foster trust and cooperation with all the people of this City and encourage them to communicate with police officers without fear of inquiry regarding their immigration status.

Post-Test/Exercise/Practice:

INS makes numerous arrests for violation of immigration laws at a sewing factory in Chinatown. They call for back-up and assistance in transporting to their holding facility. Can you assist?

References:

Department General Order 5.03
 Department General Order 5.15
 San Francisco Administrative Code 12H.2-1

Morris

FILE NO. 022047

RESOLUTION NO. 53-03

[Resolution opposing the USA PATRIOT Act and related Executive Orders]

Resolution opposing the USA PATRIOT Act and related Executive Orders.

WHEREAS, the City of San Francisco houses a diverse population, including citizens of other nations whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and,

WHEREAS, the USA PATRIOT Act signed by President George W. Bush on October 26, 2001 has a number of provisions that contradict the above mentioned inalienable rights and fundamentally alters the nature of our civil liberties while doing little to increase public safety; and,

WHEREAS, examples of the provisions of the USA PATRIOT Act and Executive Orders that may violate the Constitution and the rights and civil liberties of San Francisco residents are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, and lowers the burden of proof required to conduct secret searches and telephone and internet surveillance

- 1 • Gives law enforcement expanded authority to obtain library records, and prohibits
- 2 librarians from informing patrons of monitoring or information requests
- 3 • Gives the Attorney General and the Secretary of State the power to designate
- 4 domestic groups, including religious and political organizations as "terrorist
- 5 organizations"
- 6 • Grants power to the Attorney General to subject citizens of other nations to
- 7 indefinite detention or deportation even if they have not committed a crime
- 8 • Authorizes eavesdropping of confidential communications between attorneys and
- 9 their clients in federal custody
- 10 • Limits disclosure of public documents and records under the Freedom of
- 11 Information Act; and

12 WHEREAS, Department of Justice interpretations of this Act and these Executive
13 Orders particularly target Muslims, persons of Middle Eastern and South Asian descent and
14 citizens of other nations, and thereby encouraging racial profiling by law enforcement and
15 hate crimes by individuals in our community; now, therefore, be it

16 RESOLVED, that the City of San Francisco affirms its strong opposition to terrorism,
17 but also affirms that any efforts to end terrorism not be waged at the expense of the
18 fundamental civil rights and liberties of the people of San Francisco, the United States and
19 other countries; and, be it

20 FURTHER RESOLVED, that the City of San Francisco affirms the rights of all people,
21 including United States citizens and citizens of other nations, living within the City in
22 accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;
23 and, be it

24 FURTHER RESOLVED, that, to the extent legally possible, no City employee or
25 department shall officially assist or voluntarily cooperate with investigations, interrogations, or

1 arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil
2 liberties as specified in the above Amendments of the United States Constitution; and be it

3 FURTHER RESOLVED that the San Francisco Board of Supervisors calls upon all
4 private citizens and organizations, including residents, employers, educators, and business
5 owners, to demonstrate similar respect for civil rights and civil liberties, especially but not
6 limited to conditions of employment and cooperation with investigations; and be it

7 FURTHER RESOLVED that the City and County of San Francisco call on our United
8 States Representatives and Senators to monitor the implementation of the Act and Orders
9 cited herein and actively work for the repeal of the Act and those Orders that violate
10 fundamental rights and liberties as stated in the United States Constitution and its
11 Amendments.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 022047

Date Passed:

Resolution opposing the USA PATRIOT Act and related Executive Orders.

January 13, 2003 Board of Supervisors — ~~CONTINUED~~

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

January 21, 2003 Board of Supervisors — ADOPTED

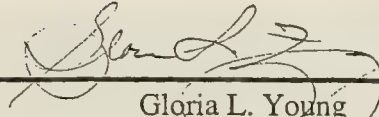
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Noes: 1 - Hall

Absent: 1 - Newsom

File No. 022047

I hereby certify that the foregoing Resolution was ADOPTED on January 21, 2003 by the Board of Supervisors of the City and County of San Francisco.

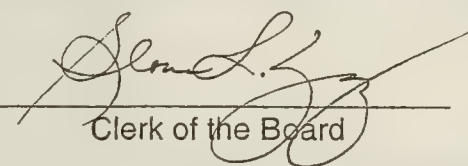

Gloria L. Young
Clerk of the Board

Date Approved

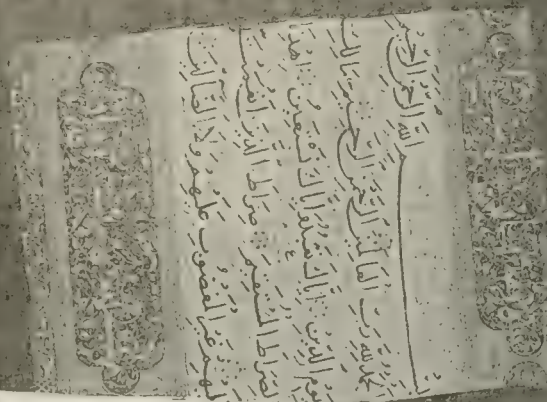
Mayor Willie L. Brown Jr.

Date: January 31, 2003

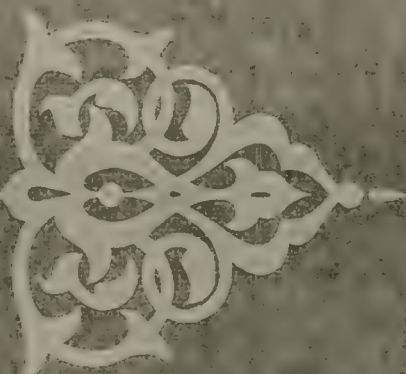
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
022047



In the name of God,
the Compassionate, the Merciful.
All praise be to God, Lord of
the Universe; the Compassion-
ate, the Merciful. Sovereign of
the Day of Judgement!
You alone we worship; and
to You alone we turn for help.
Guide us to the straight path;
the path of those whom You
have favored; not of those who
have incurred Your wrath, nor
of those who have gone astray.
Amen.



Discover Islam™

The Reader

WHY IS ISLAM SO OFTEN MISUNDERSTOOD?

Islam is frequently misunderstood and may even seem exotic in some parts of today's world.

Perhaps this is because religion no longer dominates everyday life in Western society; whereas, for Muslims, Islam is life. Muslims make no artificial division between the secular and the sacred.

For quite some time Islam was thought of as some "Eastern" religion, but with the increasing number of Muslims living in the West, Islam is gradually being perceived as a global faith. Muslims are no longer thought of as strangers with unusual practices, but are being welcomed as part of the mosaic of life in the West. In many cases, Islam is not just viewed as an acceptable religion, but as a desired way of living.

Post Office
will not
deliver mail
without
postage

Further information about Islam and Muslims may easily be obtained by contacting your local Mosque, the Islamic Center in your area, or by contacting the following:



P.O. Box 100
Falls Church, VA 22041
Tel: (202) 728-5270

To order your own copy of the Discover Islam Reader or the Discover Islam Poster Exhibit
Call us at: (703) 941-7783 or
visit us on the Internet at:
www.discoverislam.com

Credits

This Discover Islam Reader has been sponsored by Talbat International Aid Association and Transcom International (USA).

Producer: Transcom International

Producer and Art Director: Muhammad E. Quadir

Editors: Aly R. Abuzaakouk; Jansal Badawi; Susan Douglass;

Altai Husain; Nazleen Quadir; Sytyid M. Syeed

Design and Production: Muhammad E. Quadir

Administration: Munir Quadir and Muzahid Quadir

Photographs courtesy of: Ahmed El-Den, Abdallah Ben Karam, Amico World, Emad Abd El-Razek, Isam Karam, Habib Kols,

Muhammed Ali, Mohamed Karmous, Muath Ali, Nouredine Miladi,

Omar Westin, Sabrina Fritman, Susan Douglass, and Walter (Tony)

Special thanks to all organizations and individuals who have tirelessly supported the Discover Islam Project.



Discover Islam

How DOES ISLAM RELATE TO THE STATUS OF WOMEN?

According to the Qur'an, men and women are equal before God; women are not blamed for violating the "forbidden tree," nor is their suffering in pregnancy and childbirth a punishment for that act.

Islam sees a woman, whether single or married, as an individual in her own right, with the right to own and dispose of her property and earnings. A marital gift is given by the groom to the bride for her own personal use, and she may keep her own family name rather than adopting her husband's.

Roles of men and women are complementary and collaborative. Rights and responsibilities of both sexes are equitable and balanced in their totality.

Both men and women are expected to dress in a way that is simple, modest and dignified. Specific traditions of dress found in some Muslim countries are often the expression of local customs rather than religious principle.

Likewise, treatment of women in some areas of the Muslim world sometimes reflects cultural practices which may be inconsistent, if not contrary, to authentic Islamic teachings.

Prophet Muhammad (peace be upon him) said:

"The most perfect in faith, amongst believers, is he who is best in manner and kindest to his wife."

How DOES ISLAM RELATE TO CHRISTIANITY AND JUDAISM?

Muslims, Christians and Jews all trace their origins to the Prophet and Patriarch Abraham and their three Prophets are direct descendants from Abraham's sons — Muhammad from the eldest, Ishmael, and Moses and Jesus from Isaac (peace be upon them all).

Muslims particularly respect and revere Jesus. They consider him one of the greatest of God's prophets and messengers. A Muslim never refers to him simply as "Jesus," but always adds the phrase "peace be upon him." The Qur'an confirms his virgin birth, and a special chapter of the Qur'an is entitled "Mary" in honor of the mother of Jesus.

Jesus was born miraculously through the same power that had brought Adam (peace be upon them both) into being without a father:

"Truly the likeness of Jesus with God is as the likeness of Adam. He created him of dust and then said to him, 'Be!' and he was."
(Qur'an 3:59)

During his prophetic mission, Jesus (peace be upon him) performed many miracles. The Qur'an tells us that he said:

"I have come to you with a sign from your Lord. I make for you out of clay a figure of a bird, and I breathe into it and it becomes a bird by God's leave. And I heal the blind, and the lepers, and I raise the dead by God's leave."
(Qur'an 3:49)

Neither Muhammad nor Jesus (peace be upon them) came to change the basic doctrine of the belief in One God, brought by earlier prophets, but to confirm and renew it.

How does ISLAM GUARANTEE HUMAN RIGHTS AND EQUALITY?

after
As
it ab
peop
and
East
new
great
of sh
Islam
exce
astro
lang
mat

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ بِمَا كَسَبْتُمْ وَأَلَّاهُ خَيْرٌ

The Qur'an prescribes freedom of conscience:

"There is no compulsion in religion. Truth stands out clearly from falsehood; whoever rejects evil and believes in God has grasped the strongest rope that never breaks. And God is All-Hearing and All-Knowing."
(Qur'an 2:256)

The life, honor and property of all citizens in a Muslim society are considered sacred whether the person is Muslim or not. Racism, sexism and other forms of bigotry and prejudice are incompressible to Muslims, for the Qur'an speaks of human equality in the following terms:

"O mankind! We created you from a single soul, male and female, and made you into peoples and tribes, so that you may come to know one another. Truly, the most honored of you in God's sight is the greatest of you in piety. God is All-Knowing, All-Aware."
(Qur'an 49:13)

How does ISLAM SAY ABOUT WAR?

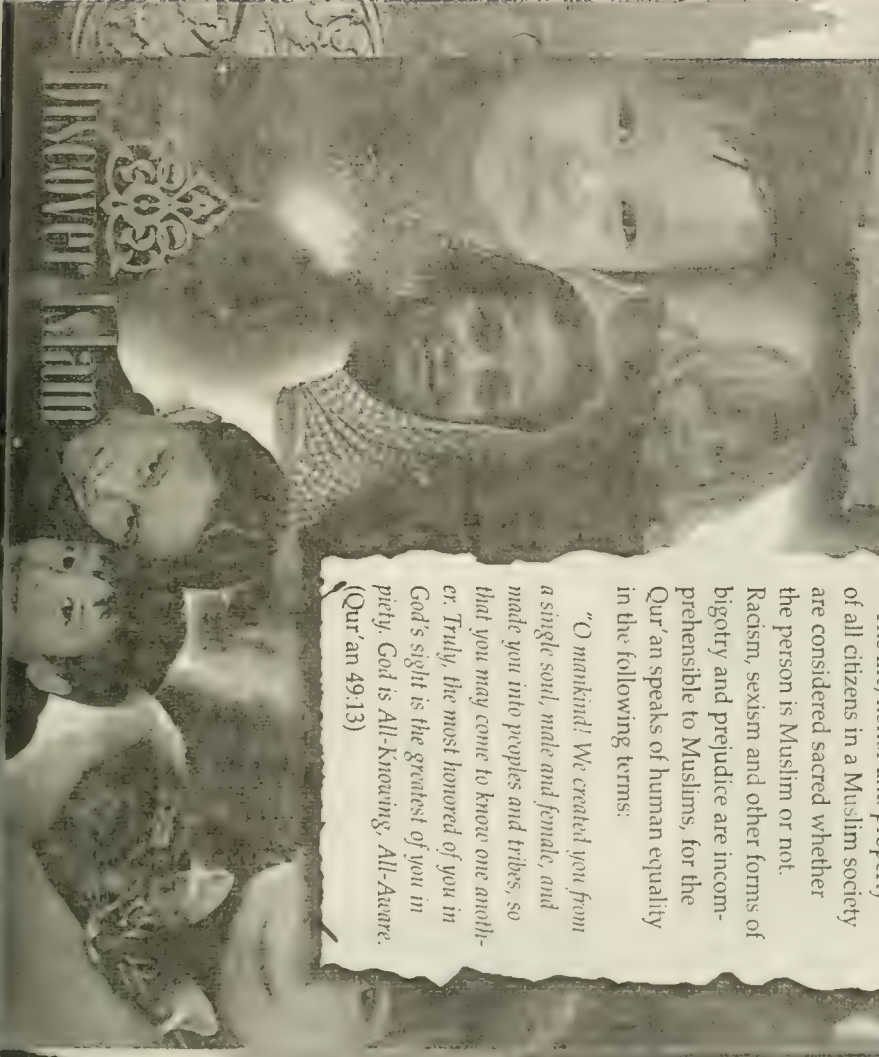
Like Christianity, Islam permits fighting in self-defense, in defense of religion, or on the part of those who have been expelled forcibly from their homes. It lays down strict rules of combat that include prohibitions against harming civilians and against destroying crops, trees and livestock. As Muslims see it, injustice would be triumphant in the world if good people were not prepared to risk their lives in a righteous cause.

One reads in the Qur'an:
"Fight in the cause of God against those who fight you, but do not transgress limits. God does not love transgressors."
(Qur'an 2:190)

"If they seek peace, then you seek peace. And trust in God for He is the One that hears and knows all things."
(Qur'an 8:61)

War is therefore the last resort and is subject to the rigorous conditions laid down by the sacred law.

The often misunderstood and overused term *jihad* literally means "struggle" and not "holy war" (a term not found anywhere in the Qur'an). *Jihad*, as an Islamic concept, can be on a personal level — inner struggle against evil within oneself; struggle for decency and goodness on the social level; and struggle on the battlefield, if and when necessary.



*I*slam is not a new religion but the final culmination and fulfillment of the same basic truth that God revealed through all His prophets to every people. A way of life symbolized by peace — peace with God, peace within oneself, and peace with the creations of God through submission to God and commitment to His guidance.

*W*ho are Muslims?

Over a billion people from all races, nationalities and cultures across the globe are Muslim — from the rice farms of Indonesia to the deserts in the heart of Africa; from the skyscrapers of New York to the Bedouin tents in Arabia.

Only 18% of Muslims live in the Arab world; a fifth are found in Sub-Saharan Africa; and the world's largest Muslim community is in Indonesia. Substantial parts of Asia are Muslim, while significant minorities live in India, China, Russia, North and South America, Eastern and Western Europe.

*W*hat do Muslims believe?

Muslims believe in the One, Unique, Incomparable, Merciful God — the Sole Creator and Sustainer of the Universe; in the Angels created by Him; in the Prophets through whom His revelations were brought to humankind; in the Day of Judgment and in individual accountability for actions; in God's complete authority over destiny, be it good or bad; and in life after death. Muslims believe that God sent His messengers and prophets to all people and God's final message to humanity, a reaffirmation of the eternal message and a summing up of all that had gone before, was revealed to the Last Prophet Muhammad (peace be upon him) through the Archangel Gabriel.

*M*uhammad, the Seal of the Prophets, was born in Meccah in the year 570, during the period of history Europeans call the Middle Ages. As he grew up, Muhammad became known for his truthfulness, generosity and sincerity, earning the title of *al-Amin*, the trustworthy one.

Muhammad (peace be upon him) was of a contemplative nature and had long detested the decadence of his society. At the age of 40, while engaged in a meditative retreat, Muhammad (may the peace and blessings of God be upon him) received his first revelation from God through the Archangel Gabriel. This revelation continued for twenty-three years and is known as the Qur'an.

How did the spread of Islam affect the world?

Within a few decades of Prophet Muhammad's (peace be upon him) death, the territory under Muslim rule had extended onto the three continents of Asia, Africa and Europe.

Among the reasons for the rapid and peaceful spread of Islam was the simplicity of its doctrine — Islam calls for faith in only one God worthy of worship. Islam also repeatedly instructs humans to use their powers of intelligence and observation.

As Muslim civilization developed, it absorbed the heritage of ancient peoples, like those of Egypt, Persia and Greece. The synthesis of Eastern and Western ideas and of new thought with old, brought about great advances in the various fields of study. Scholars working in the Islamic tradition developed and excelled at art, architecture, astronomy, geography, history, language, literature, medicine, mathematics, and physics.

Many crucial systems such as Algebra, the Arabic numerals, and the very concept of the zero (vital to the advancement of mathematics), were transmitted to medieval Europe through Muslim scholars.

Sophisticated instruments that were to make possible the great European voyages of discovery were developed, including the astrolabe, the quadrant, good navigational charts and maps.

Muhammad (peace be upon him) began to recite the words he heard from Gabriel, and to preach the truth that God had revealed to him. The people of Makkah were steeped in their ways of ignorance and opposed Muhammad and his small group of followers in every way. These early Muslims suffered bitter persecution.

In 622, God gave the Muslim Community the command to emigrate. This event, the *hijrah*, 'migration,' in which they left Makkah for the city of Madinah, some 260 miles to the north, marks the beginning of the Muslim calendar.

Madinah provided Muhammad (peace be upon him) and the Muslims the safe and nurturing haven from where Islam grew.

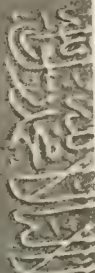
After several years, the Prophet (peace be upon him) and his followers returned to Makkah, where they forgave their enemies and established Islam definitively.

Muhammad (peace be upon him) died at the age of 63 and was buried in Madinah. At the time of his death, the greater part of Arabia was Muslim, and within a century Islam had spread to Spain in the west and as far east as China.

What is the Qur'an?

The Qur'an is a complete record of the exact words revealed by God through the Angel (Gabriel) to the Prophet Muhammad.

The Qur'an is the principal source of every Muslim's faith and practice. It deals with all subjects that concern us as human beings — wisdom, doctrine, worship and law — but its basic theme is the relationship between God and His creatures.



What are the "Five Pillars" of Islam?

These are the foundation of Muslim life: declaration of faith or belief in the Oneness of God and the finality of the Prophethood of Muhammad; establishment of the daily ritual prayers; concern for and almsgiving to the needy; self-purification through fasting; and the pilgrimage to Makkah for those who are physically and financially able.

Shahadah or Declaration of Faith

"There is none worthy of worship except God and Muhammad is the messenger of God." This declaration of faith is called the *shahadah*, a simple formula that all the faithful pronounce. The significance of this declaration is the belief that the only purpose of life is to serve and obey God, and this is achieved through the teachings and practices of the Last Prophet, Muhammad (peace be upon him).

Salah or Prayer

Salah is the name for the obligatory prayers that are performed five times a day, and are a direct link between the worshipper and God. These five ritual prayers contain verses from the Qur'an, and are said in Arabic, the language of the Revelation. Personal supplications however, can be offered in one's own language and at any time.

Zakah or Almsgiving

An important principle of Islam is that everything belongs to God, and that wealth is therefore held by human beings in trust. The word *zakah* means both "purification" and "growth." Setting aside a proportion for those in need purifies our possessions, and like the pruning of plants, this cutting back balances and encourages new growth.

At the same time the Qur'an provides guidelines for a just society, proper human conduct and equitable economic principles.

Apart from the Qur'an, Muslims also refer to the life of the Prophet Muhammad (peace be upon him) as a secondary source of guidance.

Belief in the *sunnah*, the practice and example of the Prophet, is an integral part of the Islamic faith.

Sawm or Fasting

Every year in the month of *Ramadan*, all able Muslims fast from dawn until sundown — abstaining from food, drink, and sexual relations with their spouses.

Although fasting is beneficial to health, it is mainly a method of self-purification and self-restraint. By cutting oneself from worldly comforts, even for a short time, a fasting person focuses on his or her purpose in life by constantly being aware of the presence of God.

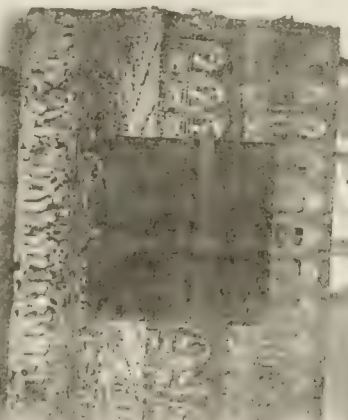
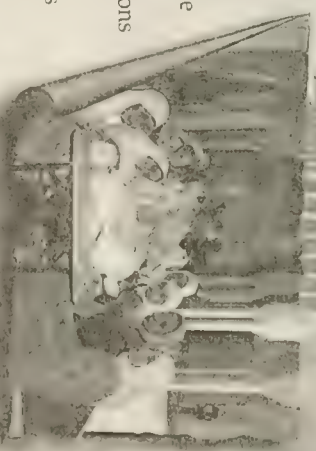
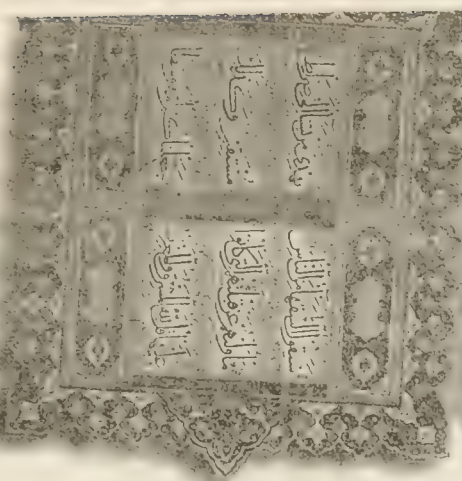
Haji or Pilgrimage

The pilgrimage to Makkah - the *haji* - is an obligation only for those who are physically and financially able. Nevertheless, over two million people go to Makkah each year from every corner of the globe providing a unique opportunity for those of different nations to meet one another.

The annual *haji* begins in the twelfth month of the Islamic lunar year. Pilgrims wear special clothes: simple garments that strip away distinctions of class and culture, so that all stand equal before God.

The rites of the *haji* originate from the time of the Prophet and Patriarch, Abraham (peace be upon him). These rites include going around the *Ka'bah* seven times, and going seven times between the hills of *Safa* and *Marwa* as did Hagar (Abraham's wife) during her search for water. The pilgrims later stand together on the wide plains of *'Arafat* (a large expanse of desert outside Makkah) and join in prayer for God's forgiveness, in what is often thought as a preview of the Day of Judgment.

The close of the *haji* is marked by a festival, the *'Id al Adha*, which is celebrated with prayers and the exchange of gifts in Muslim communities everywhere. This and the *'Id al Fitr*, a festive day celebrating the end of *Ramadan*, are the two holidays of the Islamic calendar.



Muslim Family and Social Life

The family is the foundation for Islamic society. The peace and security offered by a stable family unit is greatly valued and is considered essential for the spiritual growth of its members. A harmonious social order is created by the existence of extended families; children are treasured and rarely leave home until the time they marry.

Parents are greatly respected in the Islamic tradition and caring for one's elderly parents is considered an honor and a blessing. Mothers are particularly honored: the Qur'an teaches that since mothers endure so much during pregnancy, childbirth and child rearing, they deserve a special consideration and kindness.

It is stated in the Qur'an:

"And we have enjoined upon man to be good to his parents. With difficulty upon difficulty did his mother bear him and wean him for two years. Show gratitude to Me and to your parents; to Me is your final goal."

(Qur'an 31:14)

Marriage is greatly encouraged in Islam. A Muslim marriage is both a sacred act and a legal agreement, in which either partner is free to include legitimate conditions. As a result, divorce, although uncommon, is permitted only as a last resort. Marriage customs vary widely from country to country.

1. A mosque in Ukraine
2. Muslims praying in Mexico City, Mexico
3. Arabic calligraphy
4. A group of Muslim women and children in Valencia, Spain
5. The *shahadah* in beautiful Arabic calligraphy
6. A Muslim neighborhood in France
7. The Prophet's Mosque in Madinah, Saudi Arabia
8. Astronomical Observatory in Delhi, India
9. Ottoman vase with Arabic inscriptions
10. Anatomical drawing of the human body from 17th century Persia
11. The Taj Mahal in Agra, India
12. 18th century Persian Astrolabe
13. One of the oldest mosques on the East African Coast, in Mombasa, Kenya
14. Declaration of the Islamic faith in Malindi
15. The Sultan Ahmed Mosque and the Blue Mosque in Istanbul, Turkey
16. Illuminated calligraphy and artwork from the Qur'an
17. Adobe mosque in Mali, West Africa
18. Young Muslims in Western Europe
19. Pilgrims circumambulating around the Kaaba in Makkah, Saudi Arabia
20. Abbasid gold coin with an inscription of the Islamic creed
21. Young soccer player from El-Salt, Jordan
22. American Muslim family of Hispanic origin



ENVIRONMENTAL RACISM IN THE BVHP

Workshop Structure as of 19 March 2003

Topics to be addresses at the Environmental Racism in the BVHP Workshops will occur in the following order:

I. Energy: Energy Efficiency and Energy Conservation

Tentatively scheduled for Saturday, April 26th to coincide with Earth Day celebrations occurring in the BVHP.

II. Health

Tentatively scheduled for Wednesday, May 21st

III. Naval Shipyard

Tentatively scheduled for Wednesday, June 18th

IV. Southeast Water Pollution Control Plant

Tentatively scheduled for Wednesday, July 16th

V. Industrial Dumping

Tentatively scheduled for Wednesday, August 20th

These public meetings are intended to occur on Wednesdays from 9:00 a.m. to 1:00 p.m. at the Southeast Community Facility Commission or the Bayview Opera House Ruth Williams Memorial Theater.





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm Heinicke
Chair

Alicia Becerril
Vice-Chair

Khaldoun A. Baghdadi
Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

March 27, 2003

Gregg Fortner, Executive Director
San Francisco Housing Authority
440 Turk Street
San Francisco, CA 94102

Dear Mr. Fortner,

The San Francisco Human Rights Commission is planning to hold several workshops on Environmental Racism that is occurring in the Bayview Hunters Point area. The workshops will take place in April and May of 2003 and the topics will include:

- Health;
- Industrial Dumping;
- The Naval Shipyard;
- The South East Water Pollution Control Plant; and
- Energy.

Additionally, each workshop will cover the economic impact on the BVHP community as well as mitigation measures.

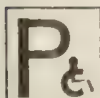
We shall contact you shortly about participating in these workshops. Please feel free to contact us in the meantime with any information, ideas, suggested speakers or issues that you feel should be addressed.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

032703 Environ Ltr



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



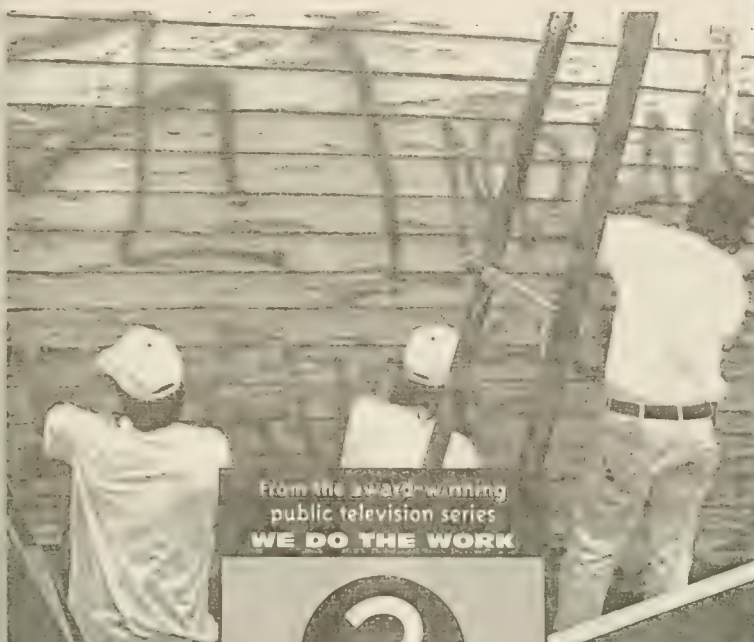
SPECIAL OFFER
BOTH TAPES
 for only \$150
 or only \$99 each

NOT IN OUR TOWN

The uplifting story
 of how the residents of Billings, Montana joined together
 to put an end to hate violence in their community

and guide helped
 derand that through
 ople can move from
 judgment to action"
 —Jack Weinstein,
 ing History and Ourselves
 recommended..."
 *** 1/2 Video Librarian
 source for this
 al topic for social science
 d school and public
 —School Library Journal

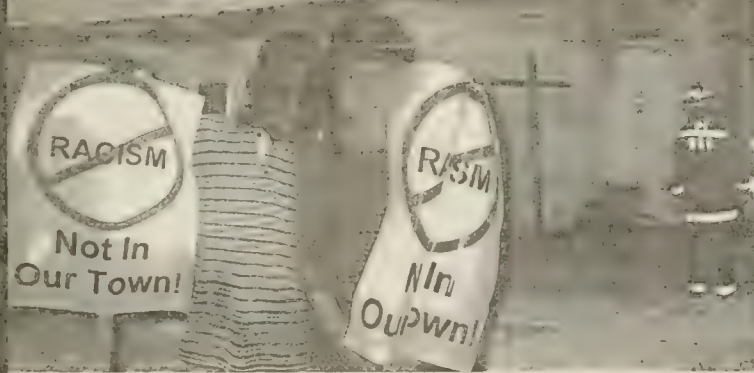
Our Town programs are
 focus on starters used
 by churches,
 s, human rights groups,
 tions departments, aw
 it agencies, community
 programs, diversity
 minars, grassroots
 ons, government
 TA's, unions, teacher
 ograms, mentoring
 public libraries and
 individuals in com-
 mross, the country.
 ly acclaimed programs
 rt middle/high school
 or university level
 subjects including:
 process, the Bill of
 liti-cultural studies, race
 prejudice reduction,
 olution, social studies,
 history, and English.



From the award-winning
 public television series
WE DO THE WORK

2

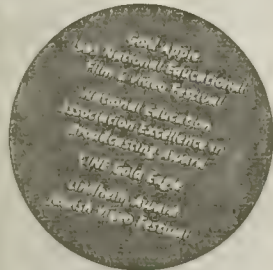
**IMPORTANT
 VIDEOS**



NOT IN OUR TOWN II

Profiles ordinary people across the country
 who have been inspired by the Billings model
 to take a stand against hate crimes, church burnings
 and acts of intolerance.

NOT IN OUR TOWN II is a 27-minute
 video that tells the inspiring story
 of how the residents of Billings,
 Montana joined together to put an
 end to hate violence in their com-
 munity. Residents joined together
 to work in white supremacist
 activities. Townspeople of all races
 and religions swiftly moved into
 action. Religious and community
 leaders sponsored educational
 services and encouraged humani-
 tarian efforts. Families and
 friends volunteered to care
 for the elderly and needy.
 10,000 homes displayed memorials
 written by the local newspaper as
 a sign of support for the law and
 against hate crimes. Citizens
 of Billings stood united for
 tolerance and a hate-free
 community, loudly and clearly
 declaring "NOT IN OUR TOWN."



"Not in Our Town II touches the
 soul in a way that will inspire you
 and those around you to work to
 prevent hate crimes and build
 community."
 —Paul Martin Du Bois, PhD.
 The Center for Living Democracy

"This is more than a sequel. It's a
 movement."
 —Matt Raush
 USA Today

"Hearteningly, Not in Our Town II
 shows that the people of Billings
 are not alone in their
 determination to stem hate
 violence... These stories renew
 hope that peace on Earth and
 goodwill to all is more than a
 seasonal slogan—provided that
 everyday people work to make it
 so."
 —Kirk Nicewonger
 United Features Syndicate

"Not in Our Town says yes, we
 can all get along, with affecting
 examples of citizens combating
 racism."
 —Guidelines, TV Guide

"...Not in Our Town is one way to
 get every community to talk about
 what racism means and the
 responsibility that all people of
 good will have to fight it wherever
 and whenever we confront it. We
 must all say loudly and firmly,
 "Not in Our Town."
 —Dr. Bernice Powell Jackson
 Civil Rights Journal

THE WORKING GROUP

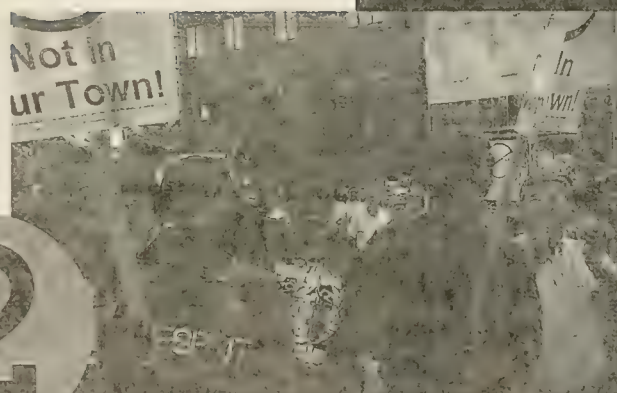
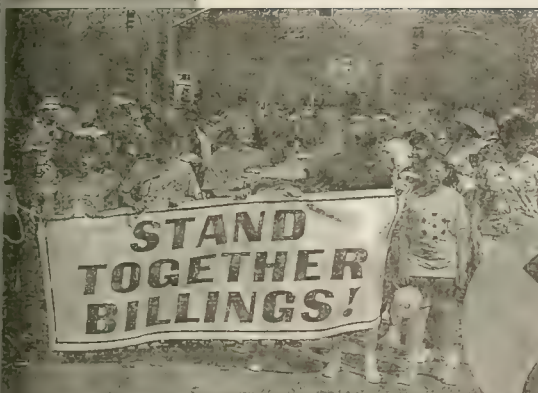
a media production company

1001 Telegraph Ave #1550
Oakland, CA 94612-1550



Non-Profit Org.
U.S. Postage
PAID
Oakland, CA
Permit #548

own meetings and
community forums
-USA Today
-LA Times



...a story of hatred conquered by
courage
-Miami Herald

NOT IN OUR TOWN

IMPORTANT VIDEOS for anyone concerned with ending prejudice and inspiring community involvement

NOT IN OUR TOWN II

ORDER FORM
Send me...
each...
order...
\$99 each...
\$150 per set...
Domestic shipping...
Rush orders...
International...
Subtotal...
in California...
TOTAL AMOUNT ENCLOSED



COUNT ME IN

- ☐ Send me free information about the Not in Our Town Campaign
- Send me ___ copies of *Not in Our Town* \$99 each (includes 16pp viewing guide)
- Send me ___ copies of *Not in Our Town II* \$99 each (includes 24pp viewing guide)
- I'll take ___ sets of *Not in Our Town* and *Not in Our Town II* \$150 per set plus both study guides (\$48)
- Domestic shipping & handling (\$5.00 per tape, \$15.00 each add'l.)
- Rush orders: 3-Day: add \$10 or
- International: please inquire
- Subtotal
- in California, add 8.25% sales tax
- TOTAL AMOUNT ENCLOSED

Name _____

Organization _____

Address _____

City/State/Zip _____

Phone _____

Fax/e-mail _____

NOT IN OUR TOWN

MEMORANDUM

TO: Commissioners
FROM: Larry Brinkin *LB*
SUBJECT: Agenda Action Item for March 27 Meeting
DATE: March 20, 2003

Enclosed is a draft version of the report on the public hearing "Aging in the Lesbian Gay Bisexual Transgender Communities" which was held October 10, 2002. This item appears as an action item on your agenda under the Lesbian Gay Bisexual Transgender Advisory Committee.

There is still some work to be done on the report in terms of design and structure. We still need permission from a book publisher to use the photos on the cover, or replace them with other photos. Also, a brochure in the Appendices section is almost unreadable and we need to work on that. The content is complete, however, though we will continue to review it for any missed typos, grammatical errors, etc., before the March 27 meeting.

We would appreciate your reviewing the report, paying particular attention to the Findings and Recommendations. By casting your vote to approve the report, you will be asserting that each Finding is true and that you stand behind every Recommendation.

Thank you.

***AGING IN
THE LESBIAN GAY BISEXUAL TRANSGENDER
COMMUNITIES***

***A REPORT BY THE HUMAN RIGHTS COMMISSION
AND THE COMMISSION ON AGING AND ADULT SERVICES
OF THE CITY AND COUNTY OF SAN FRANCISCO***



TABLE OF CONTENTS

Preface.....	page 2
Introductory Essay by Deb Price.....	page 4
Findings and Recommendations.....	page 6
Findings.....	page 6
Recommendations.....	page 17
Testimony from the Hearing.....	page 26
Essays.....	page 47

Appendices

Human Rights Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 800, San Francisco, CA 94102-6033

TEL (415) 252-2540

FAX (415) 431-5764

TDD (415) 252-2550

E-MAIL hrcinfo@sfgov.org

WEBSITE <http://www.sfhrc.org>



PREFACE

The Human Rights Commission's Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) held a planning retreat in May of 2002 to discuss and determine what issues the committee would work on in the coming term. The committee, one of five standing committees made up of community members who advise the Commission on various community issues, discussed the fact that with the baby boomer generation reaching retirement age, the population of LGBT seniors in San Francisco will grow dramatically. Also, the committee discussed the problems of LGBT seniors that were known to them, and expressed a desire to learn more. The committee voted to ask Commissioners to hold a public hearing on Aging in the Lesbian Gay Bisexual Transgender Communities, and to invite the Aging and Adult Services Commission to join them in a joint hearing.

Human Rights Commissioners, a panel of eleven members appointed by Mayor Willie L. Brown, Jr., voted unanimously to hold the hearing on October 10, 2002. The Aging and Adult Services Commission then voted unanimously to co-sponsor the hearing, to listen to testimony, and to issue this report jointly with the HRC.

The Lesbian Gay Bisexual Transgender Advisory Committee, and in particular the Committee's Senior Issues Task Force, worked with HRC staff and Department of Aging and Adult Services (DAAS) staff in preparing the hearing. Representatives of community organizations and individual members of the public provided verbal and written testimony at the public hearing. Both Commissions' staffs provided research and administrative support. Every attempt has been made to accurately reflect the information submitted and researched.

The Human Rights Commission and the Aging and Adult Services Commission gave this project priority by holding the public hearing and providing the oversight policy decisions to ensure proper balance and representation. Human Rights Commissioners participating were Ghada Saliba-Malouf, Chair; Larry Lee, Vice-Chair; Haig Baghdassarian; Shirley Dimapilis; Wilfred Hsu; Martha Knutzen; Antonio Salazar-Hobson; Theresa Sparks; and Charles Ward; of whom Commissioners Dimapilis, Knutzen, Lee, and Sparks attended the public hearing. Commissioners appointed after the hearing was held, but who participated in finalizing this report, are Khaldoun Baghdadi, Alicia Becerril, Malcolm Heinicke, and Johnnie Rollins. Aging and Adult Services Commissioners participating were Vera Haile, President; Joe Lacey, Vice President; Rosario Carrion-Di Ricco; Raymond del Portillo; Michael A. DeNunzio; Marjorie Stern; and Veneracion Zamora, of whom Commissioners del Portillo, Haile, and Zamora attended the public hearing.

Staff members of the Commission's Lesbian Gay Bisexual Transgender & HIV Division -- Co-Managers Larry Brinkin and Cynthia Goldstein; Marcus Arana, Kabir Hypolite, Yong Lee, Ellise Nicholson, Hadas Rivera-Weiss, David Treanor, Domenic Viterbo and Tamra Winchester -- performed the tasks of formulating, advertising, coordinating,

directing and holding the public hearing; identifying, contacting, meeting with and notifying individuals, organizations, City officials, agencies, businesses, community groups and the media; reviewing and commenting on the successive drafts of this report. Valuable advice and assistance were provided by staff members of the Department of Aging and Adult Services including Executive Director Darrick Lam, Jennifer Coffey, Bill Haskell, Joanne Holland, Ronnie McFarland, David Newcomer, and Karen Rosen.

The staff would especially like to thank interns Jeff Eaton and Jodie Marksamer for providing invaluable assistance organizing the public hearing and preparing this report.

Special acknowledgement is also due to the present and former members of the Lesbian Gay Bisexual Transgender Advisory Committee of the Human Rights Commission: Commissioners Martha Knutzen and Theresa Sparks; Jason Alley; Virginia Benavidez; Kirsten Boyd; Sally Buchmann; Chris Caldeira; Scott Campbell, Chris Carnes; James DeVinny; Jay Dwyer; Erin Farrell; Julie Frank; Ted Guggenheim; Jordy Jones; Danny Kirchoff; Bill Kirkpatrick; Nancy Lawlor; Yoseñio V. Lewis; Mara M. Montenegro; Johnnie Pratt; Aleem Raja; Jorge Romero-Lozano; Lisa Scheff; Kristine Oreskovich; Stephen Schwichow; Morningstar Vancil; Gary L. Virginia; and Lauren Williams.

INTRODUCTORY ESSAY

“It’s Time to Treat Gay Elders with Respect”

By Deb Price

After 42 years together, the lesbian couple needed nursing home care. Their relatives swooped in, put them in separate institutions and refused to let them even see each other. Their tragedy — described in a new report that should serve as a national wake-up call — spotlights the special vulnerability of older gay Americans. At the age when they are least able to protect themselves, gay retirees are cruelly victimized by discriminatory attitudes, regulations and laws.

For example, federal policies tailored to heterosexuals shamelessly pick the pockets of gay elders and push countless thousands into poverty by denying them a fair share of retirement benefits.

“One of the hardest things is getting people — even gay people — not to narrowly define our issues,” notes Sean Cahill, an author of “Outing Age,” the welcome new study by the National Gay and Lesbian Task Force Policy Institute. “Social Security is a gay issue. Medicaid is a gay issue.”

The report’s timely release offers compelling reasons why the next president, the Congress and organizations devoted to serving older Americans ought to face up to — and correct — the gross inequities being inflicted upon gay elders.

Older gays, fearing neglect or abuse at the hands of hostile nursing home personnel, often find themselves retreating into the closet after living openly for much of their lives.

“Outing Age” documents that such fears are well-founded: A resident of one home wasn’t bathed because no one wanted “to touch the lesbian.” A social worker at another reported, “We don’t allow partners of the same sex into the home. ... (It’s) part of the admission requirement.”

Meanwhile, a 1994 New York state survey found that gay elders were not welcome at 46 percent of senior centers there.

One urgently needed protection for older gays is federal civil rights legislation that would outlaw discrimination based on sexual orientation not just in employment but also in housing and public accommodations.

Another essential protection is legalization of same-sex marriage, because that would force public and private policymakers to be fair financially to gay couples.

In the meantime, officials who say they support fairness but oppose gay marriage must be pushed to prove their good intentions, by updating the definition of “spouse” so gay couples qualify for essential spousal benefits.

A few illustrations of the enormity of the injustice that gay elders are suffering:
Social Security — The surviving gay partner of a retiree receives no Social Security survivor benefits. That contrasts with the more than \$5,000 per year that widows and widowers draw,

on average, in survivor benefits. "Outing Age" estimates that, in that one area alone, the federal failure to be fair is costing gay seniors \$124 million a year.

Medicaid — When a gay elder needs Medicaid-financed nursing home care, his or her partner can lose their jointly owned home because gay couples aren't covered by federal rules protecting the assets of nursing home residents' spouses.

401(k) plans — Surviving gay partners suffer an immediate 20 percent tax bite on inherited 401(k) money. Legal spouses under age 70 1/2 can roll the entire amount into a tax-free individual retirement account.

Spousal benefits — Federal law requires that pension plans protect surviving spouses: The worker's legal spouse gets half the pension even after the worker's death. Gay couples enjoy no such protection and very, very few get spousal benefits from private pensions. Plus, Social Security spousal benefits — which make the difference between a comfortable and cramped retirement for millions of Americans — are still out of reach for gay couples.

Older gay Americans helped pay for the multitude of protections that their straight friends and neighbors enjoy. Isn't it time to treat all our elders with fairness and respect?

Reprinted with permission of the Detroit News.



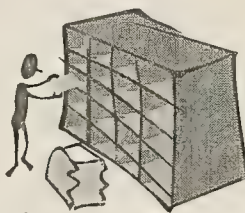
FINDINGS

The Human Rights Commission, having conducted a public hearing on October 10, 2002, to investigate Aging in the Lesbian Gay Bisexual Transgender communities, and having considered oral and written testimony and information from other sources, hereby finds that:

INTRODUCTION

The older population of the Lesbian Gay Bisexual Transgender (LGBT) communities, particularly those over 60, have lived for decades in a society where LGBT people have been scorned, discriminated against, disowned by their families and religious institutions, fired from their jobs, arrested, beaten, and murdered. Though these conditions are vastly improved in today's San Francisco, all of these things still happen to some degree. Older LGBT people have learned to survive under these hostile conditions by staying in the closet or otherwise "keeping a low profile." Many are reluctant to seek the services of agencies and institutions (such as the Human Rights Commission) because of mistrust and fear of visiting a government office. Mistreatment of LGBT seniors in institutions may go severely underreported due to this mistrust. Additionally, LGBT seniors often lack social and family support networks available to non-LGBT seniors. Other issues for LGBT seniors include lack of recognition of partner status, housing, heavy taxation, high prescription costs, declining quality of health care, and ageism. The problem of ageism also can come from LGBT organizations.

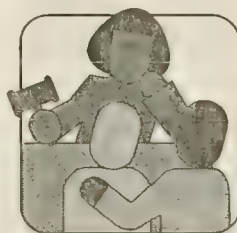
In San Francisco, approximately 12.5% of the population is from LGBT communities, and of that group, approximately 13,300 people are age 65 or older. (Source: San Francisco Department of Aging and Adult Services).



Agencies and Institutions

1. Most programs and services for seniors are not LGBT friendly or focused.
2. LGBT seniors face discrimination because of age as well as because of sexual orientation or gender identity. This discrimination can cause problems when their families and institutions communicate. For instance, they face difficulty with hospital or care facility visits and in making funeral arrangements.
3. Elderly people, including those who are LGBT, sometimes miss appointments due to lack of transportation or because of illness. Social service agencies and the courts are not always willing to accommodate elders in these situations.

4. When seniors don't participate in the work of nonprofits serving the LGBT community, their leadership is missed and they are denied the opportunity to participate in designing their own services.
5. When agencies serving seniors don't have at least one professional-level staff person on hand who is sensitive and available to work with the LGBT population, LGBT seniors can feel marginalized.



Economic and Legal

6. Many LGBT seniors may not utilize services due to their fear of losing government benefits if they identify as LGBT. These benefits may include housing, military pensions, or social security benefits.
7. Many LGBT seniors live in poverty due to low incomes or a lack of spousal benefits and pension annuities for LGBT seniors. Federal, state, local, and private programs and benefits discriminate against LGBT seniors by their failure to recognize domestic partnerships. This discrimination can cause severe hardship and has led to early death. Social Security law and policy, for example, deny LGBT people their fair share of Social Security because they deny benefits to surviving domestic partners while providing them to surviving spouses.
8. LGBT seniors often lack legal protections for life partnerships. Legal planning, which is often expensive, for such things as survivor benefits, power of attorney, and wills, is necessary because of the lack of legal recognition for LGBT relationships. Couples who have the legal right to marry each other do not have to incur these extra expenses and trouble.
9. When LGBT seniors turn to the courts to seek justice, they often find the courts unfriendly and unaccommodating to their needs.
10. LGBT seniors often face difficult economic issues. Many cannot depend on their children to support them due to rejection or lack of offspring.
11. There is a lack of resources for surviving domestic partners because they were not designated in wills as beneficiaries and often lose possessions they help pay for during a life together. More effort and resources are needed to assist LGBT elders with registering with the State as domestic partners to afford more protection.

12. LGBT elders often receive no support from their biological families. Friends then become chosen family and often provide support to LGBT seniors. These relationships should be recognized by medical and social service providers and by caregivers.



COMMUNITIES WITHIN THE COMMUNITY

Communities of Color

13. Being a person of color, LGBT and senior means facing triple discrimination.
14. No organizations in San Francisco primarily address the specific needs of LGBT elder communities of color.
15. Many older LGBT people feel left out of gay culture. Those who are people of color may feel alienated from the dominant culture, gay culture, and their families. Many communities of color look to elders for mentorship although LGBT elders are often invisible.
16. The church is an important institution in many communities. For example, the church historically has played an important role for African Americans as a place to build community. But some LGBT elders find it difficult to participate in church activities when they encounter homophobia.
17. Many LGBT Latinos get married because of family pressure, religion, and cultural barriers.
18. Many LGBT Asian seniors face severe economic problems, as well as a reluctance to seek help for social, economic, language, immigration, physical and/or mental health problems. Many are closeted about their sexual orientation and/or gender identity and suffer from loneliness and alienation as a result.
19. Many older two-spirit (LGBT) Native Americans who live in cities don't feel connected to the greater Native tribal group or community. This lack of connectedness increases their risk of alcoholism and suicide.
20. Many Native American people, including two-spirit elders, still live on reservations and have dual citizenship. Communication between the tribal governments and state government addressing the issue of elder abuse is just beginning to happen. Since

Native American culture values its elders, it is particularly hard when abuse of those elders is discovered and when the victims are two-spirit.

21. When vital information is only available in English, LGBT seniors who do not speak English lack access to services.

The Lesbian Community

22. Most lesbians in CA live in urban areas and more than 30% have incomes of less than \$30,000 per year.
23. In one study of older lesbians in San Francisco, 16% reported having had breast cancer, which is much higher than the San Francisco average for women.
24. Old Lesbians Organizing for Change is a vibrant, active organization operating in the Bay Area that deserves funding and support for their activities on behalf of older lesbians.

The Bisexual Community

25. Because of biphobia in our society, including in the LGBT communities, many bisexual seniors remain invisible.
26. Most bisexual seniors are not out and thus do not use LGBT community services.
27. The isolation that bisexual men and women experience can lead to fear and depression and the need for mental and physical health services.

The Transgender Community

28. Many senior transgender people have great difficulty finding employment. Despite anti-discrimination laws, many employers are transphobic. Many transsexuals, especially those who are male to female, have a great deal of trouble “passing.” Employers may rule out any possibility of employment simply because of the transgender applicant’s appearance, regardless of training, skills, or abilities. Many are denied even an interview because of the requirement to disclose former names.
29. A problem arises when employers do not wish to deal with employees who are unwilling to accept transgender employees’ right to use the restroom conforming to their gender identity.
30. The transgender population in San Francisco is growing and includes a significant number of older people.



HOUSING

31. Senior LGBT people fear or suffer evictions from the Ellis Act
32. Sensitivity to the needs of LGBT seniors in housing programs is scarce, due to lack of LGBT-specific senior housing and homophobia and transphobia in senior housing programs and facilities.
33. Many LGBT seniors have been forced to move out of San Francisco due to housing costs. LGBT seniors face severe economic discrimination.
34. In surveys, residents of senior residential facilities repeatedly state that there are no LGBT residents.
35. Eviction and displacement are serious problems for many seniors, including LGBT seniors. Seniors represent 16% of renters in San Francisco and many live in fear that their landlords will evict them. Often, they are not protected by state law.
36. Many low income seniors, including those who are LGBT, live in apartments in need of repair. Some live without adequate heating, but are afraid to speak up because they are terrified of being evicted.
37. There is a lack of affordable housing, especially for LGBT seniors living with HIV/AIDS.
38. Senior housing and services that welcome and honor LGBT seniors can provide a hub for LGBT-sensitive senior services and act as a model of LGBT-inclusion for services provided to seniors throughout the city.
39. When agencies that provide housing or other services to seniors don't include in their written materials a clear statement that indicates they are LGBT inclusive, the LGBT senior population is likely to feel less welcome.
40. Many LGBT seniors want gay-friendly housing and are hesitant to go into nursing facilities because of the fear of discrimination.
41. There are insufficient assisted living options available for LGBT seniors.

42. Senior LGBT people who live in Single Residency Occupancy [SRO's] live in appalling conditions.
43. Homelessness is a growing problem for many LGBT seniors in San Francisco.
44. Homeless seniors often find that shelters are not LGBT friendly. There is violence against LGBT people at shelters and people are terrified to be there, preferring to sleep on the streets.
45. Many of the homeless shelters are run by religious organizations and that sometimes presents added barriers to addressing the needs of LGBT clients.



HEALTH & SOCIAL ISSUES

Isolation/Living Closeted

46. LGBT elders often do not trust mainstream service providers or institutions and therefore do not come out, leading to isolation.
47. Many seniors who lose their life partners feel isolated because they were not involved with any larger LGBT communities prior to their partner's death, and therefore are forced to grieve alone and unsupported.
48. Coming out is a life-long process. Many LGBT people come out after retirement, even into their 70s and 80s. Many suffer major losses of close family ties and spiritual support when they come out.
49. San Francisco's LGBT Community Center is an important resource for the older LGBT population and merits strong support and funding. However, one of the difficulties in providing services and outreach to the LGBT senior community is that many LGBT older adults do not openly identify as LGBT. They therefore may not access such institutions as the LGBT Community Center for fear of being outed.
50. There are increasing numbers of LGBT people coming into old age today. They sometimes have to deal with their sexual orientation in a public way for the first time because many have come from a generation in which being in the closet was seen as the only way to remain safe.
51. LGBT seniors face a "triple whammy" of problems: being old in America; being old in a youth oriented LGBT culture; loss of their partners and friends as a result of AIDS and other diseases.

52. Isolation, loneliness, and lack of financial resources are factors that cause many LGBT seniors to relocate outside of San Francisco. For example, LGBT seniors with access to some financial resources have moved to Palm Springs or the Russian River, both of which are considered safe enclaves for LGBT seniors. Others move to suburban communities or out of state.
53. Many LGBT seniors suffer self-neglect due to low self-esteem resulting from years of hiding very basic truths about themselves.
54. A recent study conducted by the Lesbian Health Research Center revealed that 32% of lesbians, including older lesbians, don't feel safe coming out to their health care providers.
55. It is difficult to determine the number of LGBT clients in senior health care programs because many LGBT seniors are uncomfortable talking with their health care providers about their status and may choose not to fill out a form that states their sexual orientation and/or gender identity.
56. LGBT senior military veterans worry about facing "don't ask, don't tell" policies when accessing health care. Many fear losing their veteran's benefits if they disclose their sexual orientation or gender identity.
57. Ageism presents unique problems for many older gay, bisexual, and transgender men. There's a strong need for men, as they age, to meet and socialize with others in their age group. Many have health issues in common with others in their age group and have fears about aging, growing old alone, and adjusting to changes to their body and body image. GBT men often do not have family and peer structures in place that help them address these issues. They are often isolated and depressed without being able to reach out to other peers.
58. Many LGBT seniors are alone in hospitals without peer and/or family support .



Employment/Insurance/Health Care

59. Businesses are facing higher health care costs for older employed people.
60. Senior LGBT people suffer from a lack of health insurance due to pervasive legislative discrimination, which includes the lack of legal recognition of intimate relationships
61. Many LGBT seniors have physical disabilities that potentially decrease their employment options. This population often chooses to remain in familiar but often low-paying jobs rather than risk disclosure of their disability.

62. Disability insurance becomes increasingly expensive as we age, and age itself becomes a barrier to meeting eligibility qualifications. Thus, for those who need it most, insurance often is not accessible.
63. Many LGBT seniors are treated poorly in nursing care facilities. For example, many who do not identify, appear, or behave totally as male are told to act more like "men," and many who do not identify, appear, or behave totally as female are told to act more like "women." This forces many LGBT seniors into uncomfortable, dualistic, and stereotyped gender categories.
64. According to the Family Caregivers Alliance, 50% of the LGBT community receiving in-home or institutional care experience discrimination or harassment from their caregivers.
65. LGBT caregivers of older adults provide on average 48.5 hours of direct care per week and many do not utilize any outside resources for assistance. One reason for not utilizing support services is a fear of anti-LGBT harassment or discrimination by a community provider.
66. Almost half of LGBT caregivers serving seniors have experienced LGBT insensitivity, discrimination, or harassment from a community program.
67. There is a lack of quality health care, including mental health care, for elder members of the transgender community.
68. A severe lack of employment opportunities for transgender people creates a concurrent lack of medical insurance.
69. Most insurance plans do not cover conditions related to gender transitioning or complications experienced in that process, including for older people.
70. There have been no comprehensive studies done on the effects of long-term hormone usage on the liver.
71. As transgender people live longer, the impact of hormone therapy on the liver and other vital organs will become evident. Antiretroviral medications take a devastating toll on the liver and on other body functions. Currently, no long-term research has been conducted on the impact of combining HIV and hormone therapies.



AIDS/HIV

72. According to Rodger Brooks of the Kaiser Permanente HIV Advisory Board, 7.5% of health plan members are over 60 and have AIDS.
73. AIDS is a disease that often creates premature aging due to the virus itself or side effects of medication. Many seniors living with HIV experience a higher rate of incidence for health conditions associated with this age group including sexual dysfunction, heart disease, osteoporosis, and liver failure. Dementia, Alzheimer's and recurrent small strokes associated with high blood pressure are also a concern. More HIV positive seniors suffer death due to heart attacks and liver problems than HIV negative seniors.
74. People with HIV, including seniors, are having heart attacks 5-10 years earlier than one would expect. There is a need to focus on reducing the risk factors for heart disease and screening for cancer.
75. Because STD prevention messages often are not geared to the senior population, it is important that this age group be educated to protect themselves from contracting sexually transmitted diseases.
76. Many senior people living with HIV/AIDS fear AIDS/LGBT discrimination, choosing to remain in their homes too long, without seeking treatment, to the detriment of their mental and physical health.
77. As HIV medications improve and people with HIV live longer, there will be more and more seniors living with HIV/AIDS.
78. When a partner passes on, many older members of the LGBT community tend to be very much alone. The loss of so many to the AIDS epidemic has had serious consequences for social and support structures for LGBT seniors.
79. Many LGBT seniors with HIV/AIDS suffer from a lack of support. Many are estranged from their families often because of their LGBT identification. Some are immigrants and are located far from their families. Some find that the other people who might have provided them with support are also no longer around due to AIDS or other illnesses. This creates further isolation.
80. LGBT seniors with HIV/AIDS often are in rough financial situations and have little or no insurance. They have exhausted much of their savings due to living with HIV

for a lengthy period of time. Forced to cope with illness due to HIV and lack of financial resources, many HIV-positive seniors suffer a great deal of stress.

81. There can be insufficient access to health care for LGBT seniors living with HIV/AIDS.



Elder Abuse/Domestic Violence

82. Senior LGBT people suffer from elder abuse by family, friends, and con artists.
83. It is estimated that only 1 in 5 incidents of elder abuse are actually ever reported. Much of this abuse is underreported due to barriers faced by seniors, especially LGBT seniors who may be afraid to reveal the nature of the abuse as it may pertain to their sexual orientation. This abuse is not limited to street violence by strangers, but often seniors experience a pattern of violence caused by someone they know.
84. There is a lack of outreach to LGBT seniors on the issue of domestic violence.



Education

85. Our society does not pay much attention to the need or desire for ongoing educational opportunities for seniors. This general lack of consideration affects LGBT people as well.
86. Educational programs serving older adults inadequately address LGBT issues.
87. City College of San Francisco is an excellent resource for free classes for older adults. Specific LGBT classes are offered at the LGBT Center.
88. LGBT seniors comprise a significant proportion of the students enrolled in City College of San Francisco (CCSF) Older Adults Department.

89. The CCSF Older Adults Department is perpetually underfunded, and denied more than one full-time faculty to serve 2,500 older adults, and denied adequate administrative support. The CCSF Older Adults Department also is denied adequate time for the chairperson to develop and support appropriate courses such as the "Changing Times" course focusing on LGBT issues.

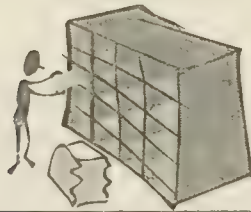


Other Social Issues

90. LGBT elders have a desire to contribute to their communities. They have much to offer, have years of experience, and are an important resource.
91. Older LGBT people often have a large friendship network, and define the parameters of friendships differently than heterosexual seniors. These friends help support their independence and individual identities.
92. The lack of communication between LGBT younger people and LGBT elders hinders the exchange of information and sharing of history and experiences.
93. It is important to encourage community get-togethers for LGBT seniors who are not partnered.
94. As baby boomers age, there will be a significant increase in the number of LGBT elders living into their 90s and the community needs to prepare for their care, both short-term care and long-term care.
95. The Radical Faeries provide an important resource for senior gay and bisexual men by including them in social and spiritual programs, and providing caregiving circles for members of their organization that are ill.
96. The San Francisco Prime Timers, a social club for gay men over 40, is the oldest club of its kind in the country, and provides an important opportunity for older gay men to find community.

RECOMMENDATIONS

The Human Rights Commission, and the Commission on Aging and Adult Services, having considered its Findings gleaned from testimony offered in a public hearing on Aging in the Lesbian Gay Bisexual Transgender communities held on October 10, 2002 and having reviewed other information, hereby offers the following Recommendations:



AGENCIES & INSTITUTIONS

1. That the Department of Aging and Adult Services require that senior centers, home care, daycare, assisted living and other community providers throughout the city that serve seniors provide more lesbian gay bisexual transgender (LGBT) sensitivity training for employees and volunteers, and that this training be coordinated by the Human Rights Commission.
2. That senior service organizations provide specific outreach to LGBT seniors: for example, by using the outreach services of New Leaf Services for Our Community, and the LGBT Community Center.
3. That funding departments and agencies include contract language requiring LGBT sensitivity and inclusion, and that these funders increase monitoring to ensure that senior services organizations are adequately serving their LGBT clientele.
4. That the Human Rights Commission serve as a primary resource for outreach to LGBT seniors, and for the implementation of policies and procedures on LGBT senior issues.
5. That sensitivity training on issues faced by elder LGBT people be provided to City and County employees, and employees and volunteers of service providers, on an annual basis so as to include new employees and volunteers.

6. That the City and its contractors who provide senior services include optional questions about sexual orientation and gender identity on all intake forms to ensure identification of LGBT needs.
7. That LGBT senior services be in convenient locations and close to transportation.
8. That senior services agencies be more supportive of LGBT elderly and LGBT caregivers by creating a climate openly embracing LGBT participants and issues. This can be achieved by providing domestic partner benefits equal to spousal benefits, by outreach efforts to the LGBT senior community, and by producing pride displays and literature featuring LGBT senior information and images.
9. That caregiver support agencies continue and expand workshops, classes, and other programs that bring LGBT older adult caregivers together to share experiences and provide support.
10. That social services agencies serving seniors augment their efforts to provide services that increase the social networking of LGBT seniors.
11. That individuals and organizations in the LGBT community embrace the LGBT elder population and provide stronger support for senior issues. This can be done, for example, by including information about senior issues, and images of older LGBT people, in graphic and pictorial displays, literature, newsletters, and newspapers; including music from different generations at parties and dances; communicating with elders who are isolated in their homes, at Laguna Honda Hospital, and other facilities; honoring elders for their achievements; seeking advice and mentoring from LGBT elders; and including elders in outreach efforts.
12. That City and non-profit agencies recognize that low income seniors deserve the attention of our entire community. All possible means to improve the low-income levels of LGBT seniors should be studied and utilized.
13. That LGBT fundraisers and other events offer discounts and waivers to seniors so that they can afford to attend and remain in touch with the LGBT community.
14. That senior services agencies increase LGBT utilization of their facilities by offering an environment in which LGBT seniors feel more recognized and welcome. Ways to do this might include sharing LGBT newsletters and calendars of LGBT events, putting up pictures and posters that affirm LGBT seniors' lives and LGBT history, etc.
15. That senior services providers represent and include senior LGBT people in brochures, flyers, reports and other literature.
16. That social service agencies serving seniors, including LGBT seniors, provide informational materials using large fonts.

17. That senior services agencies refrain from pressuring LGBT seniors to publicly come out.
18. That LGBT staff of senior services agencies consider coming out to an LGBT client.



ECONOMIC & LEGAL

19. That Congress and the Social Security Administration change Social Security law and policy to enable widows and widowers of domestic partnerships to qualify for survivors' pensions.
20. That government agencies, private corporations, and labor unions change public and private pension policies to enable widows and widowers of domestic partnerships to qualify for survivors' pensions.
21. That priority should be placed on advocating for laws lowering the retirement age for Social Security and also modify the stringent requirements for qualifying for disability retirement.
22. That the Board of Supervisors require private businesses to provide Domestic Partner benefits to the extent allowed by law, and that the Board of Supervisors encourage equal benefits where the City cannot require them.
23. That California enact legislation to provide that spousal relationships have legal parity with LGBT relationships to ensure adequate economic security for LGBT seniors. This means that same-sex marriage must be allowed by law, and that until this is achieved, domestic partner legislation must provide this parity.
24. That the San Francisco Bar Association, Bay Area Lawyers for Individual Freedom, and other legal groups increase information and legal resources for LGBT seniors. This should include workshops and forums to educate LGBT seniors on such issues as finances, medical decision-making, domestic partnership laws, powers of attorney and issues related to California's domestic partnership law and how it relates to LGBT older adult partners.
25. That appropriate funding agencies provide resources for increased research on LGBT senior issues.
26. That The Department of Aging and Adult Services improve its ability to identify the LGBT senior population's needs.

27. That the City and funding agencies increase funding for mentorship programs between young and older LGBT people.



COMMUNITIES WITHIN THE COMMUNITY

28. That departments and organizations serving LGBT seniors develop alternative means for outreach to ensure that more communities of color receive equitable access to LGBT senior services. New and non-traditional ways of outreach to ethnic LGBT senior communities should be developed, and outreach literature translated for non-English speaking communities should be made available.
29. That public and private funding agencies provide resources for mental health services targeting senior LGBT communities, and ensure there is funding for senior LGBT ethnic communities.
30. That senior services agencies provide increased resources for ethnic specific services for the senior LGBT community.
31. That senior counseling agencies serving LGBT elders, including people of color, assist clients with services and counseling that are sensitive to the coming-out process for LGBT elders.
32. That senior services agencies, including those agencies working with elders of color, improve outreach to LGBT elders. The Human Rights Commission can provide resources for this purpose.
33. That agencies producing senior-specific written materials be sensitive to and inclusive of all senior LGBT communities.
34. That the Human Rights Commission , Department of Aging and Adult Services, and other City departments serving seniors publish their literature in languages other than English.
35. That LGBT elder communities, including elders of color, increase collaboration on projects of shared interest.

36. That the voices, experience, and wisdom of two-spirited (Native American), African American, Latino, Asian/Pacific Islander, and other people of color be included in informing policy and direction for public and private agencies serving LGBT seniors.
37. That private, public, or non-profit agencies that serve the elder LGBT community include components on lesbians and bisexuality in their training programs.
38. That senior services agencies, as appropriate, provide more social/coming out groups for bisexual people.
39. That Community-based organizations, as appropriate, conduct LGBT outreach to older bisexuals to help them feel at home in their community, including funding an educational campaign to reach out to isolated bisexual elders through the internet and mailings.
40. That Community-based organizations and employment agencies assist older transgender people who are facing discrimination in their search for employment.



HOUSING

41. That the Mayor's Office of Housing, the Mayor's Office of Community Development, and residential builders fund and build more housing, including affordable housing, for LGBT seniors.
42. That the Board of Supervisors amend owner move-in (OMI) laws to give seniors (including LGBT seniors) protections from such evictions even if they have lived in the apartment for less than a year.
43. That federal agencies regulating residential facilities for seniors amend rules to ensure that same-sex couples in these facilities have the same privileges as opposite-sex couples.
44. That planners and builders assure that housing targeted for LGBT seniors be on ground level or accessible by elevator.

45. That government regulators and managers of residential facilities assist LGBT elders in their efforts to keep their pets.
46. That the Human Rights Commission expand its activities in educating shelters, both non-religious and religion-based, to better serve the needs of transgender clients, including those who are older.
47. That the federal Department of Housing and Urban Development expand the availability of Section 8 certificates to LGBT seniors by increasing technical assistance and outreach to ensure that LGBT people who are eligible receive Section 8 vouchers.
48. That assisted living housing planners include housing facilities that welcome and encourage senior LGBT residents.
49. That the Board of Supervisors pass legislation to create community land trusts that will provide more affordable housing for seniors, including those who are LGBT.
50. That tenants rights organizations and legal aid organizations provide more educational outreach to seniors, including those who are LGBT, to inform them of their rights as tenants.
51. That the Mayor's Office of Community Development and community planners develop senior shelters within the LGBT community to address the special needs of community members.
52. That the Board of Supervisors and the Mayor's Office support the building of housing and the development of services that will welcome and honor all LGBT seniors.
53. That agencies providing housing or other services indicate they are LGBT inclusive in their written materials.
54. That the Board of Supervisors pass a resolution in support of Rainbow Adult Community Housing's project to build a complex for LGBT senior housing and services.
55. That the Human Rights Commission and the Commission on Aging and Adult Services work with the Mayor, Board of Supervisors, and the Redevelopment Agency, to allow Rainbow Adult Community Housing to build a complex on two parcels of land soon to become available in Hayes Valley, thus ensuring proximity to the LGBT Community Center and its senior programs.



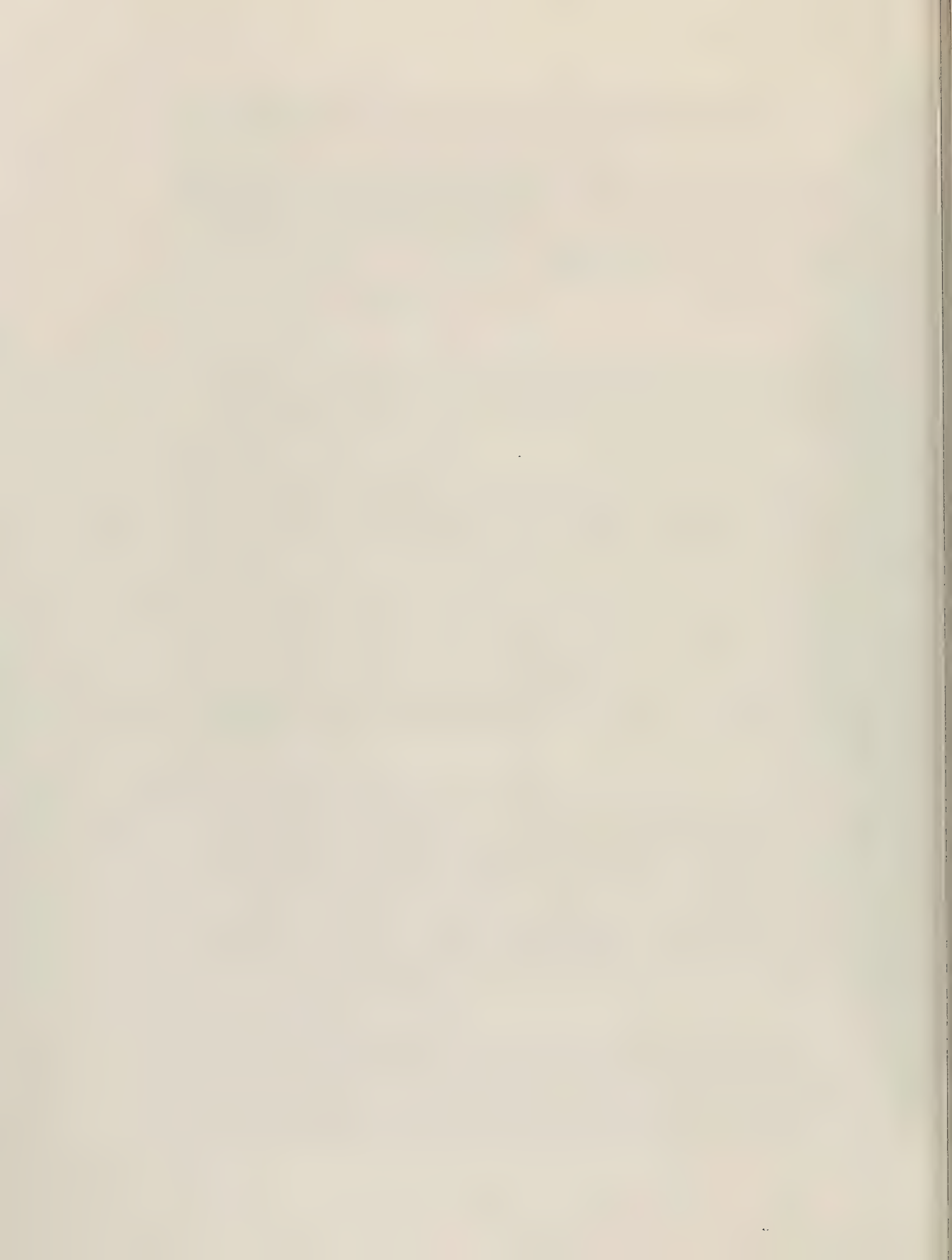
HEALTH & SOCIAL ISSUES

56. That senior services agencies develop relationships with LGBT clients to counteract the distrust that many LGBT seniors have toward institutions
57. That medical facilities amend policies to ensure that non-blood friends and care-givers are given authority to intervene on behalf of LGBT elders in regard to their health care issues, services, and decisions.
58. That law enforcement agencies such as the District Attorney's office and the state Attorney General's office carefully police fraud, particularly among health care providers, to help increase the efficiency of the health care system, and help LGBT elders afford quality health care.
59. That the Human Rights Commission coordinate efforts to ensure that physicians, the staffs of nursing homes, senior centers and hospitals are trained adequately to become more aware of and sensitive to transgender people.
60. That senior services agencies and providers recognize and support friends and chosen families of older LGBT adults.
61. That agencies educating youth about HIV include elders as resources for talking with young people on this subject
62. That experts on elder abuse educate service providers and the public about senior LGBT elder abuse.
63. That Community United Against Violence provide more outreach needs to LGBT seniors on the issue of domestic violence.
64. That religious and spiritual leaders organize an event that enlists and celebrates the spiritual and community contributions of LGBT seniors.
65. That City College of San Francisco provide more support in all forms to its Older Adults Department, thus fulfilling the part of its stated mission to provide life-long learning. Especially, CCSF should provide material support for efforts to reach out to LGBT elder communities.
66. That City College of San Francisco provide a full range of courses both LGBT Senior specific and of broader issues which have an LGBT component.

67. That educational institutions with programs serving LGBT seniors make the following adjustments:

- A. Courses dealing with family, community, and world involvement should facilitate family relationships that are supportive of LGBT members, encourage LGBT people to take part in open communication with family members, promote understanding, acceptance, and support of diversity in the family; promote awareness of the history, traditions, and current events of LGBT communities, explore and celebrate cultural diversity in the community; address LGBT issues within a global context.
- B. Courses dealing with creative expression should help learners develop and explore personal interests and aptitudes in the arts and humanities, including those having to do with sexuality, and help them to understand the cultural forces that shape the arts and how the arts, in turn, shape diverse communities including LGBT communities.
- C. Courses dealing with employment and technology should help students learn about employment opportunities, discrimination issues, and employment rights as they relate to LGBT seniors; teach students how to access information about LGBT issues using computers and the Internet.
- D. Courses dealing with health and safety implications of the aging process should help learners understand the common physical health problems of older LGBT adults; understand the changes in personal identity, mental abilities, and mental health that occur later in life and take steps to meet their own mental health needs at home, at work, and in the community, especially as these are related to older LGBT people; recognize and avoid physical, mental, sexual, and financial abuse.
- E. Courses dealing with life transitions should help seniors adjust to their own retirement and that of a partner, taking into consideration the special circumstances faced by elder members of LGBT communities (e.g., lack of equitable spousal pension coverage); know about in-house care approaches and out-of-home care facilities, especially about the unique challenges faced by LGBT clients of these facilities (e.g., discrimination by staff and other clients); identify issues faced by older LGBT people around death, dying, and loss – such as dealing with homophobic funeral home personnel and policies – as well as identify the support groups and other services available to them during periods of bereavement.
- F. Courses dealing with entitlements and resources should teach learners how organizational systems work and how to operate effectively within them to access and advocate for individual rights, entitlements, and responsibilities for older LGBT people; help them identify and utilize community resources and social services specializing in issues important to the LGBT community.

- G. Courses dealing with financial and legal options should help older adults identify and develop economic strategies to support their life plans and needs, including strategies addressing the circumstances confronting older LGBT people; identify and effectively pursue legal options to support their plans and needs, including those options important to LGBT people, such as housing rights, personal partnership agreements, support trusts, life insurance, and annuities to provide for survivor benefits, durable financial and health care powers of attorney, and wills.





TESTIMONY FROM THE HEARING

INTRODUCTORY REMARKS

Commissioner Martha Knutzen

Chair, Human Rights Commission's Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Knutzen opened the hearing by welcoming fellow Human Rights Commissioners and members of the Commission's Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC), members of the Aging and Adult Services Commission, staff of both departments, and members of the public. Commissioner Knutzen noted that this hearing was the latest in a long line of historic public hearings focusing on LGBT issues, including domestic partners, youth, transgender, and economic empowerment. She pointed out that improvements in public policy typically follow these hearings. Commissioner Knutzen said that activists and organizations will offer comment on what seniors in the LGBT communities face, having lived a lifetime with discrimination, social ostracism, and general ignorance. Commissioner Knutzen also thanked the many people who worked hard on organizing the hearing, including staff of both Commissions, members of LGBTAC, and, significantly, Bill Kirkpatrick of New Leaf Services for Seniors. Commissioner Knutzen then described the logistics and rules for the public hearing.

Commissioner Vera Haile

President, Aging and Adult Services Commission

Commissioner Haile said the Aging and Adult Services Commissioners were very pleased to sponsor the hearing jointly with the Human Rights Commission. Commissioner Haile noted that the Aging and Adult Services Commission had done their own needs assessment of LGBT senior issues, and that she looked forward to finding out what could be done further.

Commissioner Theresa Sparks

Vice Chair, Human Rights Commission's LGBTAC

Commissioner Sparks welcomed President Haile, Department of Aging and Adult Services Director Darrick Lam, and members of the public. She thanked HRC staff for their hard work, and noted that the issue of LGBT aging has been coming up at the advisory committee for several years. Commissioner Sparks said that in the last two decades people often haven't looked beyond two years, but currently are beginning to look at the retirement years.

Virginia Harmon

Executive Director, Human Rights Commission

Director Harmon welcomed everyone to the hearing, and expressed appreciation to members of both Commissions, Director Lam, and staff for their hard work in producing the hearing. She also thanked members of the public who came to the hearing to offer their testimony, and said she looked forward to being educated and working with everyone to break down barriers faced by this community.

Darrick Lam

Executive Director, Department of Aging and Adult Services

Director Lam noted that the Department of Aging and Adult Services (DAAS) has been providing funding for services to the Lesbian Gay Bisexual Transgender communities for twenty years. He said that he would like to continue working with the Human Rights Commission so as to better serve the LGBT communities.

Steve Kawa

Deputy Chief of Staff, Mayor's Office

Mr. Kawa said that as an aging gay man, the issues being discussed tonight impact him personally, but more importantly impact LGBT San Franciscans. He said that the Commissions have a huge responsibility to look into these issues so that what San Francisco stands for today, it will stand for tomorrow. He noted that as we age and go through life it is perplexing that discrimination continues, in spite of ordinances and resolutions against discrimination on the books. He described the baby boom as the period when more babies were born and that those babies are now aging. But, he said, we are aging differently as a society, particularly in San Francisco where we have more diversity than elsewhere in the country. He noted that a senior in the 1880s couldn't expect to actually live to 65, the retirement age, but that today we're living longer which means different challenges and different ways people are living their lives. Mr. Kawa stressed the importance of lobbying the state and federal governments for legislative change. He noted that even in 2002 it's hard for people to understand the LGBT community and its issues, but that we would go forward with San Francisco taking the lead through Mayor Brown, the Board of Supervisors, and these Commissions.

Kirsten Boyd

Legislative Aide to Assemblywoman Carole Migden

Ms. Boyd brought greetings from Assemblywoman Migden, who couldn't be present but sent her comments and her support. Ms. Boyd said that Assemblywoman Migden described herself as an aging lesbian with similar concerns as those being addressed tonight. She commended the LGBT Advisory Committee for looking toward what will be happening in the next 20 to 30 years. She said that she would offer support in terms of state legislation where it is needed

OVERVIEW

Darrick Lam

Director – Department of Aging and Adult Services (DAAS)

Mr. Lam outlined the goals for the DAAS, whose main mission is to assist older adults and their families to remain living independently, and described the organization of the department: Adult Protective Services, Office on the Aging, Public Guardian – Public Conservator, and the Public Administrator.

The Office on Aging identified 45 contracts with the City and County of SF. One LGBT agency directly affected was Project Concern, which provided low-cost mental health services to LGBT people in SF. After the Commission on Aging became a City department, DAAS formed a task force to gather information on LGBT needs. DAAS changed intake forms to include “transgender” along with “male” and “female” and asks questions about sexual orientation. There was some initial discomfort with having the option of “transgender” and with sexual orientation on the intake form and DAAS had to educate all those involved that the data were collected for needs assessment purposes. DAAS plans town hall meetings to collect more data regarding LGBT needs so that funding considerations can be directed toward better serving those communities. Mr. Lam reiterated DAAS’s commitment to work with the SF HRC to better serve LGBT people.

Larry Brinkin

Co-Manager, LGBT&HIV Division – SFHRC

Mr. Brinkin described the purpose of the SF HRC and the methods used by the HRC to prevent discrimination in employment, housing, and public accommodations, such as mediation, education, and contract compliance. He also described the power of the SF HRC to serve subpoenas, to issue Findings of Discrimination, and to recommend the removal of City Contracts from those found to have discriminated.

Mr. Brinkin noted that there are not very many older complainants coming to the HRC. He stated that the HRC needed to increase its outreach to older people. Mr. Brinkin introduced a short film clip about Ruth Ellis, a 99 year-old lesbian.

Phyllis Lyon

Former SF HRC Commissioner

Ms. Lyon served as a Commissioner from 1976 to 1987, and was one of three members of the Gay Advisory Committee in 1975. Ms. Lyon noted that no one thought to address “ageism” until they had grown old enough to notice the effects. As delegates to the White House Conference on Aging, Ms. Lyon and her partner Del Martin lobbied to get LGBT concerns into the final 1996 report: passage of sexual orientation non-discrimination resolution; recommendation that District attorneys prosecute these cases; support for ENDA; creation of LGBT service programs for seniors; including affordable housing;; and permanent guardianship for domestic partners regarding advance directives.

Ms. Lyon cited a list of agencies that created services and programs directed at senior LGBT people, such as NGLTF, NCLR, and New Leaf. One major area of concern for LGBT seniors is discrimination in clinics and long-term care facilities. New Leaf works with the City's health clinics to educate staff members on LGBT issues. Ms. Lyon recommended that the City include questions about sexual orientation and gender identity on all intake forms to ensure oversight. Ms. Lyon recommended that LGBT fundraisers offer waivers to seniors so that they can afford to attend and remain in touch with the community.

Ann Tamar-Mattis

Program Director - San Francisco LGBT Community Center

Ms. Tamar-Mattis summarized the Center's collaborative programs that benefit LGBT seniors: computer and internet classes, movement classes for elder women of color, and the Senior Room which is space for senior events. Seniors have told the Center that some of the programs are valuable but that many issues challenging seniors of color remain unmitigated, such as estrangement from family and lack of protection for LGBT seniors.

Ms. Tamar-Mattis urged the creation of greater support and services for seniors. She noted that most existing programs for seniors are not LGBT sensitive. Also, LGBT seniors often lack the social networks that support many straight seniors. Many have seen their communities decimated by HIV, and most lack legal protections for life partnerships

R. Wood Massi

Chair, Older Adults Dept. – SF City College

Mr. Massi presented a 10-minute Power Point presentation outlining general demographics of older adults. Demographics show that people over 55 are the largest voting block. Service providers are not ready for the large number of LGBT seniors. 13.7% of San Franciscans are 65 or older, which is higher than the national average, reaching 30% of the population by 2010. In SF, 12.5% of population is LGBT, with 13,300 people at 65 or older. Many of the issues facing LGBT seniors are compounded by poverty.

LGBT seniors face discrimination for age as well as for sexual orientation and/or gender identity, particularly with family issues: hospital or care facility visits, funerals, and support by extended families. Many fear disclosure for fear of discrimination in health care, lack of recognition of partnerships, higher risks for smoking, alcohol and drug abuse, diabetes, cancer, etc.

Housing is problematic, and many face homophobia due to lack of LGBT-specific senior housing. Poverty expresses itself through reduced income and lack of spousal benefits and pension annuities for LGBT seniors. Extra legal planning for survivor benefits, power of attorney, and wills is necessary because of the lack of legal recognition for LGBT relationships. Finally, services may be under-funded and needs not assessed due to lack of empirical data.

George Roosen**New Leaf Senior Services**

Mr. Roosen has been working since 1996 with GLOE when it was with Operation Concern. Now the program is called New Leaf Outreach to Seniors. Mr. Roosen stated that in 1982, 20% of LGBT seniors believed they could lose social security benefits; many LGBT seniors may not utilize government services due to fear of the government. Mr. Roosen stated that many LGBT seniors self-identify as heterosexual on DAAS surveys because DAAS represents the government.

Mr. Roosen also expressed the concern that mistreatment in institutions may go severely underreported because of mistrusting the government. They fear they will lose their housing if they complain. Mr. Roosen pondered the difficulty of obtaining figures about a hidden population who will not step forward and identify themselves. The coming out process is particularly hard for LGBT seniors. Fear of losing family prevents large numbers of seniors from coming out. Mr. Roosen stated that the (LGBT) Center (in San Francisco) was a safe haven to some seniors.

Valerie Hayden**Institute on Aging**

Ms. Hayden stated that many LGBT seniors live in a world hostile to LGBT elders. Many funders and service providers lack a basic understanding of the unique risk faced by LGBT seniors. Many elders fear coming out in such a hostile world just to access LGBT specific programs. A recent study from New Leaf and the Institute showed that nearly half of care givers and care receivers did not access services due to fear of discrimination; many of these respondents are young and out in the community and still are afraid.

LGBT service providers need to be more consistently vocal about meeting the needs of LGBT seniors. LGBT people share many of the same concerns as housing, care, long-term care, and financial security with senior people. Ms. Hayden stated that it is important to accept that many LGBT seniors need to pass as straight and need to have their privacy respected. Ms. Hayden recommended ways to reach out and create accepting environments: share LGBT newsletters and Calendars of LGBT Events with seniors; put up pictures and posters that affirm LGBT seniors' lives; ensure that brochures represent /include senior LGBT people; attend conferences on senior LGBT needs; and insist that agencies have sensitivity trainings that provide staff with information regarding LGBT seniors and their concerns.

Patrick Hoctel**Lesbian and Gay Aging Issues Network (LGAIN)**

Mr. Hoctel works at DAAS and is on the Editorial Board for "Outward," a newsletter for LGAIN, which is a membership interest group for the American Society on Aging. Their primary goal is to raise awareness among professionals and service providers regarding the unique needs of LGBT elders, addressing the challenges elders face in access to health care, long term care, social services, and housing. LGAIN has compiled the largest online resource directory for LGBT seniors.

Mr. Hoctel offered several recommendations: increase LGBT senior access to services by offering a more "gay-friendly" environment in which LGBT seniors felt more recognized and welcome; create housing communities that target LGBT seniors, addressing the fear that assisted living means returning to the closet in order to live safely in a facility or community; and create more affordable housing in San Francisco for LGBT seniors who are being priced out of "gay-friendly" neighborhoods.

Joyce Pierson

National Center for Lesbian Rights (NCLR)

NCLR has a special program on elders' rights. Ms. Pierson summarized a story of a woman who was widowed for 30 years, fell in love with a woman when she was 79, and became a member in a support group. Ms. Pierson stressed the need to understand that it is hard for seniors to publicly announce their sexual orientation in order to access LGBT services. Many seniors who lose their life partners feel isolated because they were not connected to any larger gay and lesbian communities, and are forced to grieve alone and unsupported.

Ms. Pierson pointed out that San Francisco is home to approximately 30,000 citizens age 75 and over. Of these, anywhere from 10 to 15 % (3,000 to 4,500) are LGBT people, and a great number of these are even more likely than seniors in general to be invisible, hidden, and secluded. Traditional methods of outreach have not been able to reach such people. NCLR offers legal services to offer access to problem solving for LGBT seniors. The lack of same-sex marriage compounds the legal problems faced by LGBT seniors. NCLR is training service providers about challenges faced by LGBT seniors in order to improve access to community services.

Ms. Pierson recommended that the DAAS get assistance in improving its survey so that it actually identifies that population's needs. Ms. Pierson also recommended alternative means for outreach to ensure that more communities of color receive equitable access to LGBT senior services.

Dr. Suzanne Dibble

University of California at San Francisco (UCSF)

Dr. Dibble offered statistics about lesbians in California who are over age 60, regarding health risks. Dr. Dibble stated she believed that the sample number of 93 women made this study the largest of its kind. She did concede that the sample was comprised of mostly educated, white women who were born in the United States. More than half the women were out to their families, with a lesser number out to their health care providers. Dr. Dibble suggested that women who are not comfortable talking to their providers may not fill out a form that states they are lesbian or gay. She also cautioned that different cultures use different terms, and "lesbian" is perceived by some to be a "white" term, so existing surveys may not capture accurate numbers.

Although fewer women in California are smoking, many used to, so rates of smoking related illnesses are high. Also, 2% of the women stated they drank alcohol to some extent, from occasional to daily. Dr. Dibble believes that there is a hidden portion of drinking in the lesbian community, potentially problematic if one is hospitalized and providers are unaware of the drinking. 16% reported having had breast cancer, which is

much higher than it should be. Dr. Dibble had more to share but did not have time. She stated she would send her recommendations in writing.

Kristine Oreskovich

Member of the LGBTAC

Ms. Oreskovich is a 53 year old lesbian who works as a gardener and lives in San Francisco. Ms. Oreskovich warned that recent political shifts have left many LGBT seniors without resources and that the revised structure of Social Security (SS) disproportionately and negatively impacts middle to low-income LGBT people. She cites the SS code that has raised the eligibility age for full retirement and lowered early retirement benefits. Because SS income is crucial to low and middle seniors, most of whom lack any other pension plans, this group is unfairly forced to work longer in order to afford to retire. Also, because most of the jobs held by these seniors are physical in nature, this group suffers from more disabling maladies which further challenge their ability to work long enough to collect full SS benefits.

Even with retraining, job options are limited, they are usually lower paying than the positions that were left, and retaining new job information can be challenging to an aging memory. Also, many LGBT seniors have disabilities, which potentially decrease their employment options, so they choose to remain in familiar if not crippling jobs rather than to risk disclosure for disability. Disability insurance is expensive for seniors and difficult to qualify for, so for those who need it, insurance is most difficult to access.

Ms. Oreskovich recommends that communications between youth and elders be promoted. She recommends that all possible means be directed to improving the low-income levels of far too many LGBT seniors. Ms. Oreskovich recommends that restrictions to obtaining disability insurance be removed so that eligibility becomes more realistic for LGBT seniors. Finally, Ms. Oreskovich recommends that the Commission use its power to raise consciousness about the negative impact of the recent change in SS law on LGBT seniors, and the concern that there are proposals from other movements to create even harsher SS laws.

Jerry Beccera

Golden Gate Business Association (GGBA)

Mr. Beccera described the GGBA as an LGBT chamber of commerce dedicated to improving the business climate for LGBT businesses. He addressed the issue of health and retirement benefits for senior LGBT people, which particularly impacts seniors with HIV and greater health needs. Mr. Beccera detailed the challenge to providing employment benefits, i.e. rising costs, poor delivery system, rampant fraud, and more restrictive products providing health insurance, with many of these products being offered based on the age of the general population or on the group's overall health record. Mr. Beccera also recommended that more private companies be encouraged to offer domestic partner benefits to LGBT employees.

All this pressures employers to reduce benefits, especially in times of economic hardships. Mr. Beccera recommended the careful policing of fraud, particularly among service providers, to help increase the efficiency of the health care system, which would

favorably affect the cost of coverage in the long run. He reiterated that it is important to address the economic concerns of LGBT seniors to discourage discrimination.

COMMUNITIES WITHIN THE COMMUNITY

Red Jordan Arobateau

Member of the Public

Mr. Jordan stated that he is a 59 year old female to male transsexual of mixed race. He stated that being transgender and older, it is very difficult to get work. Being a poor, minimum wage worker he is dependent on the public health care system. He worries about his increasing disability. He has been in nursing care facilities and sees horrible treatment of queers there. He does not consider himself totally male or female, and refuses to be put in either category. In nursing homes, they force dykes to be like women, and address people by pronouns and titles like sir and ma'am. Mr. Arobateau stated that should his life deteriorate to the point where he would have to go into a nursing home, he would rather kill himself than live in such circumstances. He further stated that he thinks there is support for gays and lesbians that does not exist for transsexuals. He also feels strongly about living with animals. He stated that he would rather live in a vehicle and keep his animals than be placed somewhere where he cannot keep them.

Mark Scruggs

Member of the Public

Mr. Scruggs has been living in San Francisco for 30 years. He was drawn here by a sense of freedom, even before San Francisco became a haven for gay, lesbian and transgender people. He stayed in the closet a major portion of his life, and doesn't have strong ties in the Black community that he would probably otherwise have had. He says that there are probably others who have no place and no ties with the community at large, but have an identity as part of the LGBT community. He asked that the Commissioners push for the institutions and organizations in the city to receive training to understand what it is like to be older and come from the perspective of a world that has not wanted you. Such a perspective sometimes makes LGBT people hostile or unfriendly, or sit by quietly and let things go on.

Deon Wong

Member of the Public

Mr. Wong stated that he and his partner are both part of the "mature" LGBT population. He currently works as the Coordinator of the Gay Asian Alliance Plus Division. The problem that exists is money, as well as reluctance to seek help for social, economic, language, immigration, physical and/or mental health problems. Another difficulty is being closeted about their sexual orientation to friends, family or employers. He stated that the older the person, the less likely they are to come out. Some of this is due to traditional Asian cultural pressures and values, especially among those who are older. He suggests that what is needed is to provide an outreach program to encourage this segment of our society that it is alright to be themselves, to feel positive about who they are. This may help eliminate the sense of isolation many have. Mr. Wong is aware that a few

agencies, such as G.A.P.A., exist that are trying to do such work, but the resources and scope are limited. Some form of government assistance would help.

Dora Balcazar

Member of the Public

Ms. Balcazar stated that she is a community activist, social worker and gerontologist who has lived in San Francisco for over 25 years. She stated that many older gay people feel left out – that to be gay is to be young. She tries to explain to them that they are role models, survivors. She works with LGBT elder Latinos, many of whom came to this country because of their gayness, because homosexuality or bisexuality is not tolerated in Latin America. In this country, she stated, an LGBT elder Latino must feel that he or she has to satisfy two cultures – one being the dominant culture and the other his or her family. Many gay Latinos continue to live double lives because of family pressure, religion, and language barriers. Elder gay Latinos experience triple marginalization for being gay, old and Latino. Ms. Balcazar recommends that the City assist agencies like hers, which work on outreach to LGBT elders.

John Land

Member of the Public

John Land stated that he was asked to speak as a representative of the Native American community. He stated that he wears several hats, including working as the new clinical director at New Leaf's Outreach to Elders. He has also been involved with the Native American AIDS Project here in the city, and they are developing a new program working to bring both traditional and western medicine together through outreach. He stated that many Native American people still live on reservations and have dual citizenship. Coalitions between the tribal governments and state government addressing the issue of elder abuse are just beginning. Urban Native American are most neglected, perhaps because they do not feel connected to any government or tribal group. Since Native American culture really values its elders, it is doubly hard when abuse of those elders is discovered. There is a lot of denial around that. There is a National Center of Elder Abuse that uses traditional methods such as talking circles to deal with this. He ended by stating that by talking about themselves as two-spirited people, they have been able to get elders in the reservation to understand and accept LGBT members.

Maggie Rubenstein

Member of the Public

Ms. Rubenstein stated that she is a 72 year old feminist activist who has been a bridge between the LGBT community so long that she is getting tired of being walked on. She is on the New Leaf Advisory Board, a therapist and a sexologist for over 30 years, and a breast cancer survivor. She came out in 1969. She stated that bisexual people, especially elders, have to deal with invisibility and marginality. She stated that coming out is important, and that LGBT people need to demand political clout.

Monroe Pasternak

Member of the Public

Mr. Monroe is a member of the Advisory Board of New Leaf Outreach to Elders. He and his wife are both bisexual. They are out to family, friends, and their students (both are professors). According to Mr. Monroe, most older bisexual people are not out. He feels

that the most urgent problem for older bisexual men is that of isolation. Fear leads to depression and increased medical costs. Many of these men will not go to the new LGBT Community Center for fear of being outed. He wants to encourage LGBT outreach to all older bisexuals to help them feel at home in their community. He would like to see funding for an educational campaign to reach out to these isolated bisexual men through the internet and mailings.

Lorraine Hall

Member of the Public

Ms. Hall stated that she is a retired mechanical engineer, school teacher, World War II veteran, and a male to female transsexual. She is now 76 years old. She began transitioning at age 60, and had sex reassignment surgery two years ago. She testified that she has male to female friends who are having much difficulty finding employment. Despite anti-discrimination laws, many employers are transphobic, and don't want to deal with the problem of restrooms. The bathroom issue is a major problem that arises even where employers are not transphobic but where they simply do not wish to deal with other employees who are unwilling to accept transgender people using the bathroom. Also, many male to female transsexuals have a great deal of trouble "passing" and thus are not employable. Employers may rule out any possibility of employment simply because of the transgender applicant's appearance, regardless of training, skills, or abilities. Many are denied even an interview because of the requirement to disclose former names. One friend of hers has become suicidal as a result. She is also concerned about what might happen to her if she has to live in a nursing home. She is concerned about the health implications of the hormones she takes. Other transsexual women cannot afford surgery, and thus have social problems of the burden of passing. She stated that for those who can pass well, many problems go away. But passing is not possible for all, nor is it possible to live any other way than your chosen gender. She finished by saying that this is the biggest problem she sees, and would like to see help for those facing discrimination in their search for employment.

Bill Hollobaugh

Member of the Public

Mr. Hollobaugh is President of the Advisory Council to the Aging and Adult Services Commission. He stated that when a partner passes on, older members of the LGBT community tend to be very much alone. We lost a generation to the AIDS epidemic. This loss has had serious consequences for people his age. In particular, the generation just younger than his own was hardest hit. This also has had a particular effect on the leather community. Much of the older folks in the leather community are moving away from San Francisco, to places like Palm Springs. As a very out gay man who started wearing leather to work in the 1980's, he and others in the leather community have paid a price by becoming victims of violence. Luckily, the worst that happened to him personally was that someone threw a pie at him at the corner of Market and Castro streets. "What a waste of a pie," he stated.

John Cailleau (written testimony)

Member of the Public

Mr. Cailleau submitted written testimony. He stated that he is a 63 year-old disabled gay man living with HIV. He also suffered a stroke in 1988. He lives in the Fillmore in a tiny studio, and his rent is nearly equal to his Social Security payment. Other tenants, recent immigrants from the former Soviet Union, are able to pay much less because of Section 8, federal SSI, and Jewish service organizations. He has contributed to the City as chairperson of MUNI's senior and disabled advisory committee, and over the years helped create the gay and lesbian community we enjoy today. Many of his friends have been forced to leave the city due to housing costs. Gay and lesbian seniors face economic discrimination. He suggests expanding the availability of Section 8 certificates to gay and lesbian seniors through policy changes at the Housing Authority. He feels it is time that the compassion the City is famous for be extended to gay and lesbian seniors.

HOUSING

George Smith

Director, Mayor's Office of Homelessness

Mr. Smith noted that his remarks would focus on homelessness and the fact that there are many older clients in the city's shelters. He explained that the seniors using the shelters don't necessarily reveal their sexual orientation and that some of the LGBT seniors living in San Francisco's most expensive neighborhoods end up losing their housing for a variety of reasons. When they arrive late at night at one of the shelters, they don't want to discuss the circumstances leading to their homelessness.

Mr. Smith noted that many of the shelters are run by religious organizations and that this sometimes presents added barriers to addressing the needs of transgender clients. He asked the Human Rights Commission for guidance on this difficult issue to help ensure that the needs of all clients are served.

Jan Faulkner

Rainbow Adult Community Housing

Ms. Faulkner described the ways in which Rainbow Adult Community Housing recognizes the uniqueness and special qualities of LGBT seniors, and what the program has to offer. The goal is to develop a multicultural mixed income group that is openly friendly to the LGBT population and other seniors, providing them with the services they need as they age. They recognize that many people in this population do not have children to help care for them. She noted that it is the LGBT community's responsibility to care for the senior members of that community.

Ms. Faulkner noted that Rainbow Adult Community Housing is committed to helping seniors remain independent and remain in their own homes. They offer housing for independent living and assisted care living with access to community based services, not only to their residents, but to residents in the surrounding community. She noted that their

client population is unique in that it is the first group of LGBT people who started to come out later in life. They aren't the young people who were marching in demonstrations and letting the world know of their sexual orientation or gender identity. For many, they came out after retirement. Many suffered major losses of close family ties and spiritual support when they came out. This can create a great sense of isolation.

When retirement communities were surveyed it was noted that people tended to sit with others from their own community. Asians would sit with Asians, Greeks would sit with Greeks, etc. When asked where LGBT people sit, those surveyed would reply that there were none in residence. Ms. Faulkner stated that there is a real need for housing to be built that is friendly to the LGBT community.

Tommi Avicolti Mecca

Director, Housing Rights Committee Counseling Program

Mr. Avicolti Mecca spoke about the invisibility of low income seniors, especially those in the LGBT community. He noted four of the major problems facing low income seniors. First, many low income seniors experience eviction and displacement from their homes. Seniors represent 16% of renters in San Francisco and many live in fear that their landlords will evict them. Often, they are not protected by the Ellis Act. Second, many low income seniors live in apartments in need of repair. Some live without adequate heating, but are afraid to speak up because they are terrified of being evicted. Third, many LGBT seniors on low incomes live in single residence occupancy hotels where the conditions are appalling. Many are rat and roach infested, leak, have mold and mildew. Fourth, homeless seniors often find that shelters are not LGBT friendly. There is violence against LGBT people at shelters and people are terrified to be there, they would rather sleep on the streets.

Mr. Avicolti Mecca emphasized the need for affordable housing, affordable to people living on SSI and making less than \$20,000 per year. He noted that the Board of Supervisors is considering a community land trust that will create more affordable housing for seniors. He asked the HRC and COA to urge the Board to pass this legislation. He also noted the need for more protections for renters against "owner move in" evictions, specifically that an amendment to OMI laws be passed to protect seniors from such evictions even if they have lived in the apartment for less than a year. He asked the HRC and COA to urge the Board of Supervisors to pass such an amendment.

Mr. Avicolti Mecca stated that more outreach to seniors is needed so they know what their rights are as tenants. They need to be informed of organizations such as St. Peters Housing and Chinatown organizations that can help them. He suggested that the HRC and COA could conduct this outreach. Also needed is more temporary emergency housing. He suggested that senior shelters be developed within the LGBT community that could address the special needs of community members. Finally, he noted that we all need to think of seniors in our community and show them respect. We need to recognize that low income seniors are the responsibility of our entire community.

John McCoy

Laguna Honda Hospital Visitation

Mr. McCoy identified himself as 65 years old and a resident of the Tenderloin neighborhood. He lives alone by choice and likes it. He is associated with New Leaf and participates in a program wherein he visits residents at Laguna Honda Hospital. A group of lesbians and gay men go once a month to Laguna Honda to bring a sense of the outside gay life to the people living at the hospital who can't experience it for themselves. The program has been in operation for four years and each month has its own theme (Halloween, Valentine's Day, etc.), including refreshments and entertainment. There is unity between the residents and visitors and everyone has a wonderful, joyous and very, very gay time.

Anthony Talbird

Member of the Public

Mr. Talbird identified as a single gay person who has been paying higher taxes all his life because he is not married. He owns a condo in San Bruno and thinks it is really crazy that he has to pay school taxes even though he has no children. He identified as a member of New Leaf and described other seniors he knows who live in the Tenderloin and are in couples and have to move from hotel to hotel every few days. He noted that there are senior residences for other communities but not for the LGBT community even though members of the LGBT community pay taxes all their lives.

Marcy Adelman, Ph.D. (written testimony)

Chair, Board of Directors, Rainbow Adult Community Housing

Dr. Adelman stated that it is imperative that San Francisco take immediate action to assure that the LGBT senior population be included in the long-term care continuum, including housing, and services. She urged the HRC and COA to work closely with the Board of Supervisors and Mayor's Office to support the building of housing and development of services that will welcome and honor all LGBT seniors. These programs can provide a hub for LGBT-sensitive senior services and act as a model of LGBT-inclusion for services provided to seniors throughout the city.

She asked the HRC and COA to request that the Board of Supervisors pass a resolution in support of Rainbow Adult Community Housing's project to build a complex that is designed to accomplish these goals. She urged the HRC and COA to work with the Mayor, Board of Supervisors, Redevelopment Agency, Planning Department, Mayor's Offices of Housing, Real Estate and Economic Development and Department of Transportation to allow this complex to be built on two parcels of land soon to become available in Hayes Valley.

She noted that agencies providing housing or other services should include in their written materials a clear statement that indicates they are LGBT inclusive. Without such a statement, the LGBT senior population is likely to feel less welcome. She urged public agencies to have at least one professional-level staff person on hand who is sensitive to, and available to work with, the LGBT population. Without such a supportive framework, LGBT seniors can feel marginalized.



HEALTH & SOCIAL ISSUES

JoAnne Keatley

Project Director, UCSF Health Study for People of Color

Ms. Keatley noted that UCSF has three research projects currently focused on members of the transgender community. She noted that the transgender population in San Francisco is growing and is expected to continue to grow because of the reputation San Francisco has for inclusivity. Also, with the advent of AIDS related therapies, the toll HIV has taken on the transgender community will decrease. As transgender people live longer, the impact of hormone therapy on the liver will begin to become evident. No long-term research has been conducted on the impact of combining HIV and hormone therapies.

Ms. Keatley stated that health care for the transgender community, including mental health care, is a big issue both in regard to quality of and access to care. As transgender individuals age, isolation and lack of support become significant issues that should be addressed from a mental health perspective. She recommended educating physicians, the staff of nursing homes, senior centers, and hospitals to make sure they are trained adequately in transgender sensitivity and awareness. That way, when a transgender individual walks in the door, they will be receiving quality services. They will be addressed by the proper pronoun. Ms. Keatley noted that a lack of employment opportunities has led to a lack of medical insurance or inadequate medical insurance that does not cover conditions related to gender transitioning or complications thereof.

Jennifer Rakowski

Community United Against Violence (CUAV)

Ms. Rakowski spoke of the violence, including hate violence and domestic violence, experienced by LGBT seniors. She noted that much of it is underreported due to the barriers faced by seniors and it often is not the type of street violence (from strangers) one would expect. Instead, seniors often experience a pattern of violence caused by someone they know. One incident she learned about involved a senior whose neighbor once pointed a gun at him. After that, all the neighbor had to do to intimidate him was reference the day the incident took place, what he was wearing, or other details from the day the incident occurred. The senior would then feel as intimidated as if the gun was still pointed at him. The police wouldn't recognize the pattern of intimidation.

Ms. Rakowski noted that Domestic violence also is a significant problem for LGBT seniors. She identified a lack of outreach targeting the LGBT community on the issue of domestic violence. She noted that some organizations that address domestic violence include the words "lesbian, gay, bisexual, transgender and questioning" in their educational materials, but it often is in print too small for seniors to read. Also, because many nonprofits are not funded adequately, they are located in areas where seniors may not feel safe. When seniors don't participate in the work of nonprofits serving the LGBT community, their leadership is missed and they are denied the opportunity to participate

in designing their own services. When seniors turn to the courts to seek justice, they often find the courts unfriendly and unaccommodating to their needs.

Paul Miller

Workshop and Forums Development Manager, Stop AIDS Project

Mr. Miller stated the mission of the Stop AIDS Project is to prevent HIV transmission through multicultural community based organizing. He noted that one of the programs they offer is for older gay and bisexual men. This program was developed after holding a community forum to learn what issues are important to older members of the community. Their Prime Time program has brought in over one thousand men and includes the development of a very successful "Geezers Ball" which celebrates aging and at which the Harry Hay Award is presented. This event is collaboratively organized with New Leaf and San Francisco Rainbow Adult Community Housing.

Mr. Miller noted that ageism is an issue that's been raised in their workshops. There's a strong need for men, as they age, to meet and socialize with others in their age group. Many have health issues common to their age group and have fears about aging, growing old alone and the changes to their body and body-image. They are isolated and depressed. Stop AIDS Project has created monthly social events to try to address this isolation.

Rodger Brooks

Member, Clinical Task Force of the Kaiser Permanente HIV/AIDS Advisory Board

Mr. Brooks identified himself as a queer senior living with AIDS. He noted that in San Francisco as of December, 2001, there were 1,640 Kaiser members living with HIV, of whom 75% were over 40 years of age (with 2/3 of those being over 60). He views AIDS as a disease of premature aging. It brings with it sexual dysfunction, heart disease, osteoporosis, liver failure and more. There are challenges to mental and spiritual health. HIV treatments create more risk factors because the medications cause changes in metabolism. He noted the need to be worried about blocked coronary arteries and the fact that people with HIV are having heart attacks 5-10 years earlier than one would expect. There is a need to focus on reducing the risk factors for heart disease and screening for cancer. It is important that people protect themselves from sexually transmitted diseases. Alzheimer's, dementia and recurrent small strokes associated with high blood pressure also are a concern. In a Kaiser Permanente San Francisco newsletter, a list of health suggestions is provided for older people with HIV, including recommendations for healthy habits, screening tests and immunizations.

Tim Patriarca

Executive Director, Maitri

Mr. Patriarca described Maitri as a 15-bed residential facility for people living with AIDS, centered around end-of-life care. Many residents are from the LGBT community and many are seniors. He projects that as HIV medications improve, and people with HIV live longer, more and more of their residents will be seniors.

Some of the similarities Mr. Patriarca notices among the diverse resident population include a lack of support. Many residents are estranged from their families often because

of their queer identification. Many are immigrants and are located far from their families. Some residents find that the other people who might have provided them with support also are gone, because of AIDS or other illnesses. This creates isolation.

Many Maitri residents often are in rough financial situations and have little or no insurance. They have exhausted much of their savings because of living with AIDS for 10-15 years. On top of their illness, they experience a great deal of stress because of their lack of funds.

Mr. Patriarca noted that while seniors with HIV are expected to live longer because of new treatments, they are sicker. They will need to be in residences like Maitri for more time. Many of these people will want gay-friendly housing and are hesitant to go into nursing facilities because of the fear of discrimination.

Mr. Patriarca noted a lack of outreach to LGBT seniors, a lack of access to health care and a lack of affordable housing as significant problems. When a resident's health improves to a degree that he or she would be suitable for an assisted living situation, there is no place available where they can go and feel safe.

Brian de Vries

Professor, San Francisco State University

Brian de Vries is a professor of gerontology at San Francisco State University as well as the director of research for Rainbow Adult Community Housing. Mr. de Vries discussed the results of two studies that he was involved with of LGBT adults in San Francisco on the nature of friendships and social ties. Two themes from these studies include issues of self identity and coming out. These studies found that the terms that LGBT individuals use to describe themselves vary as a function of age. Younger adults are more likely to use terms such as gay and queer while older adults were more likely to use terms like homosexual or lesbian. While these terms help individuals to locate themselves in the community, they also serve as a barrier for access to services outside of the community. The studies also found that LGBT adults have a desire to contribute to the community, and many in the study talked about doing this using their artistic abilities. Mr. de Vries concluded by explaining that older gays and lesbians had a greater number of friends, saw them more frequently, and defined them in ways that were different from heterosexual seniors. Individuals reported that their friends play an important role in supporting their independence and keeping their individual identities. Mr. de Vries recommends that we recognize these friends and families and provide them with support.

Bill Kirkpatrick

Social Service Worker, New Leaf Outreach to Elders

Bill Kirkpatrick is one of three part-time social service workers at New Leaf. He also runs a support group for senior gay men with HIV/AIDS. He spoke about the unique issues of LGBT elders. The two unique issues involve access and isolation. LGBT seniors were deemed as social outcasts throughout their lives and over the years have feared that they would be put into mental institutions, lose their jobs, or be put into jail because of their sexual orientation. Because of this, there is a lot of distrust of institutions. This is something that comes up at New Leaf Outreach to Elders. To

counteract this distrust, he feels it is especially important to develop trusting relationships with his senior clients.

Mr. Kirkpatrick also spoke about LGBT seniors and isolation. He explained that this isolation comes from something that he calls the triple whammy; it's hard to be old in America, it's hard to be old in a youth oriented gay culture, and it's hard to be a survivor of the AIDS epidemic. There are a lot of isolation issues that have come up as survivors of the AIDS epidemic are getting older, including a high degree of partner loss. He also sees internalized homophobia as another issue and this results in low self esteem, depression and self neglect. Some clients are so closeted that he is the only person that they have told that they are gay. This too leads to isolation. Mr. Kirkpatrick closed with a story about being able to make a connection with an LGBT senior up at Laguna Honda hospital who asked him about his sexual preference and when told that he preferred men whispered "I'm a homo, too."

Reverend Yvette Flunder

City of Refuge United Church of Christ

Reverend Flunder began her testimony by laying out the types of services that the City of Refuge Church provides to the LGBT community, including a primary care clinic as well as extensive services for the transgender community. The church also has a transgender gospel choir. Many of the LGBT parishioners are becoming elder people and most of them are African American. Reverend Flunder discussed some of the problems that arise for African American LGBT elders in the Church, stating that the African American faith community is a bastion of heteronormativity where the existence of LGBT individuals is not often talked about and if you try to, there are lots of problems. Reverend Flunder focused on what younger LGBT people can learn from older community members and suggested that we should look toward our elders for mentoring. She explained that we are not a community unless we are a community of young people, middle aged people, and elder people who exchange information about their lives. Without this exchange there is an absence of a natural flow of spirituality. Reverend Flunder gave three recommendations. She recommends more funding for mentorship programs meeting the need described above. She recommends that the commission consider sponsoring an event that enlists the spiritual and community contributions of elder LGBT. She also recommends convening a forum of religious leaders concerning the spirituality of our elders before they pass away.

R. Wood Massi, PhD

Chair, Older Adults Department, San Francisco City College

Dr. Massi talked about the programming of the Older Adults Department at San Francisco City College. He explained that the department offers 85 classes in subjects including art, music, health, sewing, computers, medicine, exercise, literature, and current affairs. Approximately 500 adults participate in these classes and there are 25 faculty members. The classes take place at 40 different sites around the city and all classes are free. Dr. Massi explained that he feels that ageism is one of the likely reasons that the Older Adults Department does not receive as much financial support as other departments. The department has a hard time fulfilling all of the need out there. It is hard to get computers and there is no funding for secretarial help. Dr. Massi stated that some

people just want older individuals to go away, especially in a college or educational setting. He finds that people don't think that older people need education and that this line of thought exists at the state level. LGBT seniors are affected by these attitudes because they are part of the larger adult community. The department reaches out to the LGBT senior communities and has recently had classes at the LGBT Center. He concluded by committing to continue to reach out to older LGBT individuals.

Paul Goercke

Alexander Hamilton American Legion Post

Mr. Goercke is a World War II veteran and he spoke on behalf of the Alexander Hamilton Post, which is made up predominately of LGBT people who are veterans of foreign wars including World War II, Korea, Vietnam, and the Gulf War. Most members are out of the closet and most are seniors. He explained that the issues that members of his post experience are the same as for other LGBT seniors like recognition of partner status, housing, heavy taxation, high prescription costs, declining quality of health care, and ageism, often from LGBT organizations. The unique challenge that they experience comes from homophobia from other chapters of the American Legion and from their publications.

Jack Davis

Radical Faeries

Mr. Davis is a 52 year old queer man who is a member of the Radical Faeries. The radical Faeries see queers as a distinct and separate people, with their own culture, own ways of being and becoming, and their own spirituality. They believe in the sacredness of nature and earth, and they honor the interconnectedness of spirit, sex, politics and culture. He testified about how the Radical Faeries serve the needs of older queer men. To illustrate this, he talked about the caregiving circle that the Faeries have for Harry Hay and John Burnside, an older couple in poor health who have been leaders in the LGBT community throughout their lives including organizing the first spiritual conference for Radical Faeries in 1979.

Mr. Davis brought forward a story that John told him about a nursing home that he used to walk by in Los Angeles where there were a lot of older people on the porch, sitting in chairs in a line, looking at the passers by. John suggested that it would be better if the people were sitting in a circle, interacting with each other and sharing a part of themselves.

Mr. Davis is a member of the caregiver's circle for Harry and John. The members frequently meet to address the issues and problems that arise with their care. The concept of the caregiving circle came out of the need of the Radical Faeries to care for other Faeries with AIDS and it has been easy to adapt the circle to care for those who are growing older. There is no leader for the circle and everyone is in charge of something. The circle also provides moral and emotional support to the aging couple. Mr. Davis was responsible for bathing Harry.

Mr. Davis explained that Harry and John have it pretty good compared to other aging queer elders. They are not isolated, they are not homeless, they have each other, and they have the caregiving circle. One problem that they have encountered is that there are too

many steps to the front door of their apartment. This makes it hard for them to come and go as well as making it difficult for an ambulance call. Mr. Davis suggested that it would be great if there were LGBT communal housing for those that are aging that was affordable and accessible. This option would be especially important for LGBT seniors who were not partnered so they are not lonely. Mr. Davis also suggested that it would be good if aging queer men addressed the quality of sex that they are having as well as the quantity. Mr. Davis concluded by pointing out that a lot of members of the LGBT community will be living into their 90's and we need to be prepared for this. He hopes that when he is 90 years old he will be living in community with a bunch of other old queers and that a handsome 50 year old man would be responsible for bathing him.

Bill Reiter

Education Coordinator, Family Caregiver Alliance

Mr. Reiter is the education coordinator at the Family Caregiver Alliance (FCA) which is a non profit resource center for family caregivers of someone with an adult onset brain impairment. FCA supports and assists caregivers in San Francisco and 5 other Bay Area counties. FCA has always defined the term "family" broadly and inclusively and has specific programming for LGBT caregivers. This past year, FCA worked collaboratively with New Leaf, the Institute on Aging, and the Spectrum center for LGBT concerns in Marin County on the "Caring and Community Project," an education and support program for LGBT caregivers of older adults. Under this project FCA completed an LGBT caregiver needs survey to determine the issues that arise for LGBT people when caring for an older adult. Through this assessment, the FCA learned that on average a caregiver provides 48.5 hours of direct care per week, which is approximately 7 hours a day. 75% of those surveyed were the only person providing substantial care to their care recipient. Of nine listed support services available to caregivers, almost 30 % of survey takers received one or none of these resources. The caregivers surveyed stated that the reasons they did not use these available services included their inability to pay for them, that they did not want a stranger in their home, and that they were concerned about experiencing LGBT harassment or discrimination by a community provider if they accessed the services. Mr. Reiter explained that the fear of harassment is not unfounded because almost half of those surveyed said they had experienced LGBT insensitivity, discrimination, or harassment when contacting a community program. He recommends that there be additional LGBT sensitivity training of homecare, daycare, assisted living and other community providers. Mr. Reiter also stressed the importance of creating a greater awareness of those agencies which are sensitive and supportive of LGBT elderly and LGBT caregivers. Mr. Reiter found that there is a great need for information about the legal aspects of caregiving and suggested that forums and workshops put on by NCLR to educate LGBT older adults and caregivers about powers of attorney and issues related to the California Domestic Partnership law and how it relates to LGBT older adult partners, continue and expand. Mr. Reiter also expressed the importance of continued support for workshops, classes, and other programs that bring LGBT older adult caregivers together so they don't feel alone. Connections between caregivers are the most rewarding sources of information and support

Mr. Reiter also submitted FCA "Fact Sheet" handouts that were developed as part of the "Caring Community Project" on the topics of LGBT caregiving, legal issues for LGBT

caregivers, and supportive programs that are of interest to LGBT caregivers in the SF area.

Warren van Eck

President, San Francisco Prime Timers –the Former G40+ Club

Warren van Eck is the president of the San Francisco Prime Timers, which is the oldest gay senior or mature men's organization in the United States. The chapter was founded in 1973. There are over 50 Prime Timers chapters throughout the United States, Canada, Europe, and Australia. The purpose of the club is to promote educational, cultural, and social activities for mature, gay, bisexual, and transgender men and their friends.

Through presentations, speakers, interest groups and informal conversations, the club serves as a vital center of information about the gay community. The club has a strong commitment to promoting positive attitudes towards older people. The club meets twice a month on Sunday afternoon so that men who work during the week or those don't like to be out after dark can attend. There is also a very minimal membership fee so that men with limited incomes would not be left out. The group not only socializes, but also gives back to the community through volunteer work and organizing food collections. He raised the concern that the older members of Prime timers may have the wisdom to guide the group's younger mature men, but they may not have the strength to carry on much longer. The group needs to cultivate men in their 40's and 50's who have survived the AIDS epidemic in order for the group to continue.

Hal Seip

Member of the Public

Mr. Seip has been a member of Operation Concern for twenty years and currently he serves on the advisory board. He also volunteers with North Market Senior Services. Mr. Seip began his testimony by reminding the Commission that 50 years ago, when people took advanced courses in psychology they were told homosexuals were perverted, dangerous, and vicious people. It takes a long time to overcome that and that many LGBT senior may be still dealing with it. Mr. Seip is also involved in mainstream community groups for seniors and he has felt welcome. He has not been pushed aside or frowned upon. Mr. Seip has found his 20 years of volunteering to be very educational.

<i>PUBLIC COMMENT</i>

Camille Moran

Member of the Public

Ms. Moran raised money for the creation and installation of a skylight at the SF Center commemorating survivors of psychiatric abuse. She expressed that she was approaching her senior years, which is "ancient" in "gay terms". Ms. Moran worried that she would end up dying in an unfriendly institution. She urged the creation of "rainbow housing" that would be LGBT-centered and available to low-income people.

Sheila Brush

Member of the Public

Ms. Brush referred to herself as American, Jewish, a radical dyke, a femme butch, and an elder. She stated that more older and elderly women are using the word "elder" because they perceive it to have more dignity. Ms. Brush stated that leather dykes are a part of the lesbian community and receive negative attention. She stated that a group called the Exiles, comprised of 250 women, created a support network for leather women.

Anonymous

Member of the Public

This person noted the negative impact of racism on the LGBT community. This person criticized Dr. Dibble's study on lesbian women's health because it was comprised of white educated women. This person mentioned that the literature at the Hearing was English-only despite the fact that 36% of elders in San Francisco are Asian Pacific, and worried that the Commission had assumed that everyone concerned spoke English. This person recommended that outreach literature be directed to non-English speaking communities, and cautioned that coming out is a different process in different cultures. Do not put so much pressure on people to publicly come out. This person commented that there was little representation from communities of color on other City Commissions.

Ren Davis Phoenix

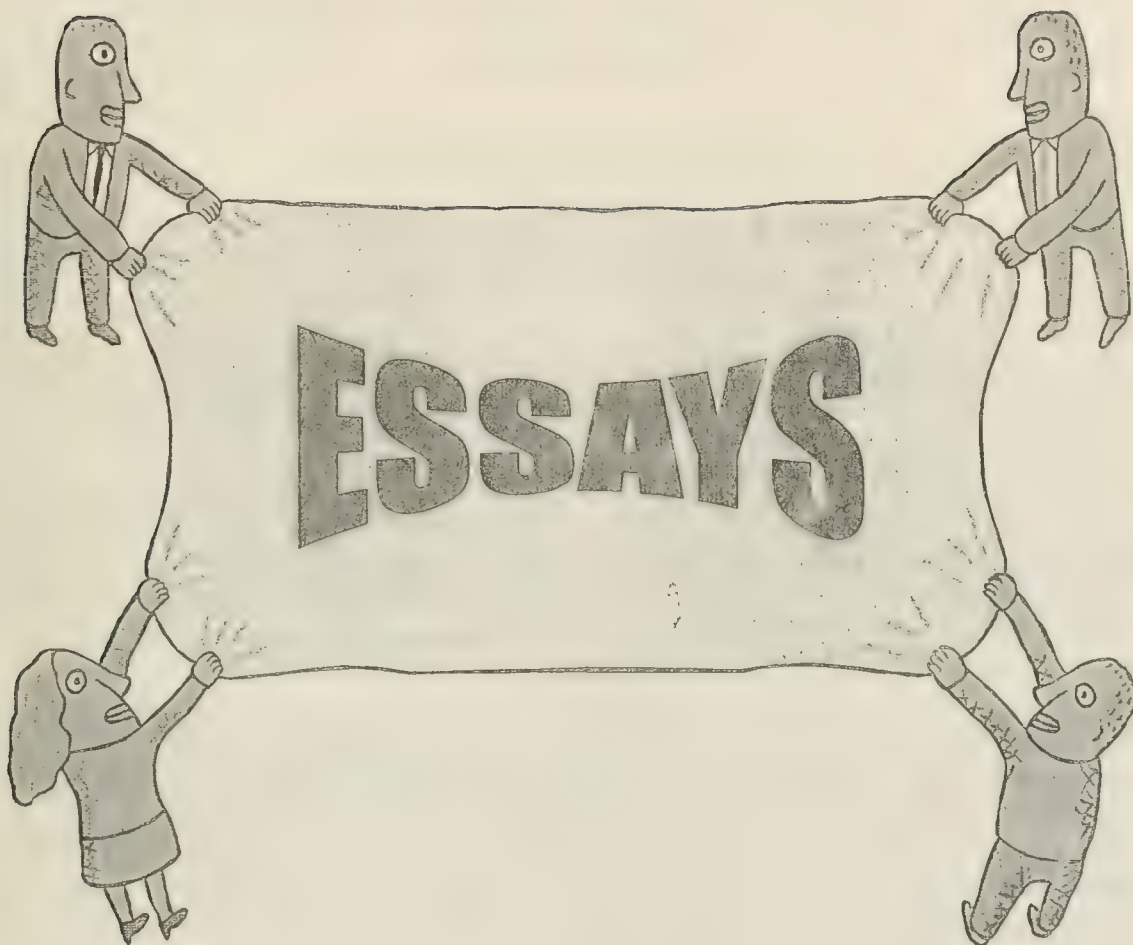
Member of the Public

This speaker identified herself as one of the butch roommates of a previous speaker. Ms. Phoenix noted that many LGBT people do not receive the same respect that is afforded to traditional nuclear families. She stated that LGBT people have to go through more work legally and comprehensively to address the needs of extended family members' issues. Ms. Phoenix noted a time when she felt she could not intervene when an extended family member was receiving substandard home health care, and that the complaints of that family member were not taken seriously by the City agency that provided that care. Ms. Phoenix stated that it was difficult to get the agency to understand that a dyke leather woman has the same medical needs as any other woman.

Sally Raymond

Member of the Public

The speaker identified herself as a Native American, from the Sells Indian Reservation in Arizona. She expressed concern that she will not have adequate health care and affordable housing. She worried that even with a pension from the City and County of San Francisco, her medical needs will be prohibitively expensive on a fixed income. Ms. Raymond stated that she is in an administrative position with the City, comprised mainly of single mothers. She expressed a desire to retire in a comfortable place but is concerned that she may have to return to the reservation where the health care is not good.



“Aging in Lesbian, Gay, Bisexual, and Transgender Communities”

**compiled by R. Wood Massi, Ph. D.
Chairperson
Older Adults Department
City College of San Francisco**

Today, communities all around the world face the opportunities and challenges of aging populations. The city of San Francisco – as well as the lesbian, gay, bisexual, and transgender (LGBT) communities living here – has never shied away from addressing the prospect of change and facing up to the social issues it generates.

Issues of Particular Importance for LGBT Elders

Older LGBT adults face all the challenges other older adults face, but they also confront issues specific to their communities.

Stigma¹

Older LGBT persons may face discrimination based on their age and sexual orientation. Consequently, they may not feel comfortable either in organizations serving older people or in LGBT community organizations, and thus may not receive useful services from these groups. The good news is that decades of experience dealing with discrimination based on sexual orientation appear to help older LGBT persons cope with age discrimination. Research also suggests that this resilience may depend on the older person's integration into the LGBT community.

Family and Social Support

Most studies indicate that older LGBT people report high levels of satisfaction with their social support networks. Some have less support from families than other older people. Instead, many older LGBT people rely primarily on partners and close friends for social support. Unfortunately, society has not always acknowledged the importance of these families. Older LGBT families face discrimination in hospital visitations, health care decisions, cohabitation in retirement facilities, and funeral arrangements. Older LGBT persons are more likely to live alone than are older people overall. Older adults who live alone are more likely to live in poverty, have poor nutrition, feel depressed, and eventually move into an institution.

Health

Some are reluctant to reveal their sexual orientation or gender identity to health care providers because of fears they will face discrimination. Some health care providers make assumptions about the health risks LGBT people face. Most public and private health insurance programs do not recognize same-sex partners for receiving family

coverage. Various cohorts within the LGBT elder community may also be at higher risk for some health problems:

- Smoking
- Alcohol or drug abuse
- Diabetes
- Cancer
- HIV/AIDS

Housing

Like other older adults, older LGBT persons are interested in the very wide range of housing options used by seniors, from making home improvements to moving into nursing homes. (Nursing homes, by the way, comprise less than five percent of elder housing.) LGBT seniors sometimes encounter homophobic attitudes among fellow residents, and some facilities may exclude them entirely. They express interest in gay-oriented senior housing, but few such facilities exist.

Income and Employment

LGBT seniors are not eligible for spousal or survivor benefits through federal programs such as Social Security and Medicare, as well as tax laws and most private pension plans. Property inheritance requires careful estate planning. Many older LGBT workers lack legal protection against employment discrimination.

Legal Concerns²

Extra and creative legal planning is required to guarantee that elderly LGBT people receive the same protections most traditional elders take for granted. In addition to those mentioned above, elderly LGBT people need to engage in careful planning with the following instruments:

- Personal partnership agreements
- Support trust, life insurance, or an annuity to provide for survivor benefits
- Durable financial and health care powers of attorney
- A will

Research³

LGBT elders are not only underserved, they are also understudied. There is an overall lack of empirical demographic data on LGBT persons of any age, but data on LGBT seniors are particularly limited. The issue of our aging populations has been much discussed. The following two quotations help focus the situation, in general and in particular as it applies to older LGBT people:

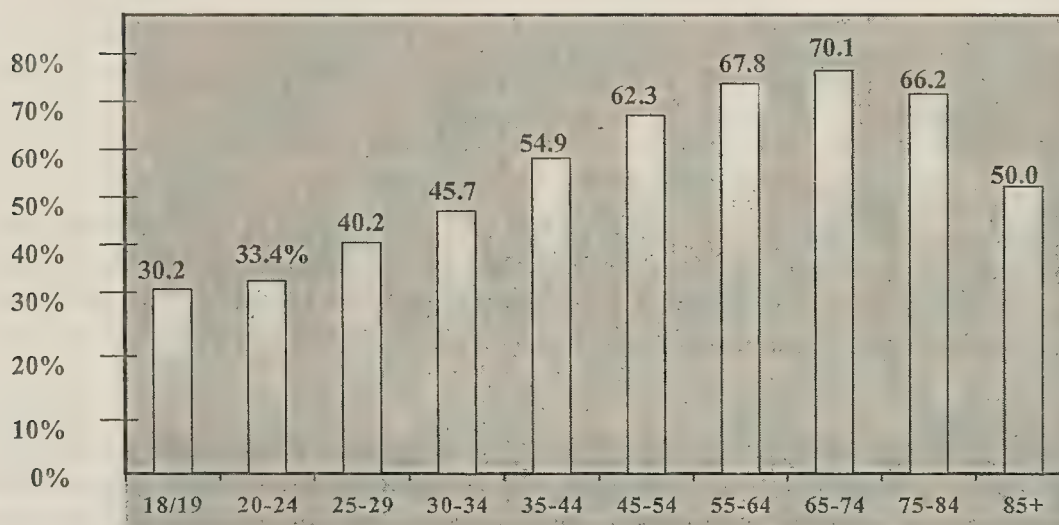
“For many, life’s prolonged second half will be a time to chart a new course. We’ll have the time and resources to reverse past failures or build on past victories, perhaps changing careers, taking a sabbatical, or returning to school. With longer life spans and improved health, there may” be time for many older adults to fulfill many dreams.

“For others, however, extended longevity will be fraught with pain and discomfort. As bodies decay and minds fail, millions may well spend their

final decades struggling with depressing loneliness and unrelenting pain. Large numbers of elder boomers could wind up impoverished, left stranded by dwindling old age entitlements.”⁴

“Age is a dirty word to many people in America. People lie about it. Others avoid or ignore those who are old. . . . Politicians pander to the senior vote each election cycle, but fail to authorize urgently needed funds for social service programs.”³ Indeed, older adults vote at a significantly higher ratio than others age groups:

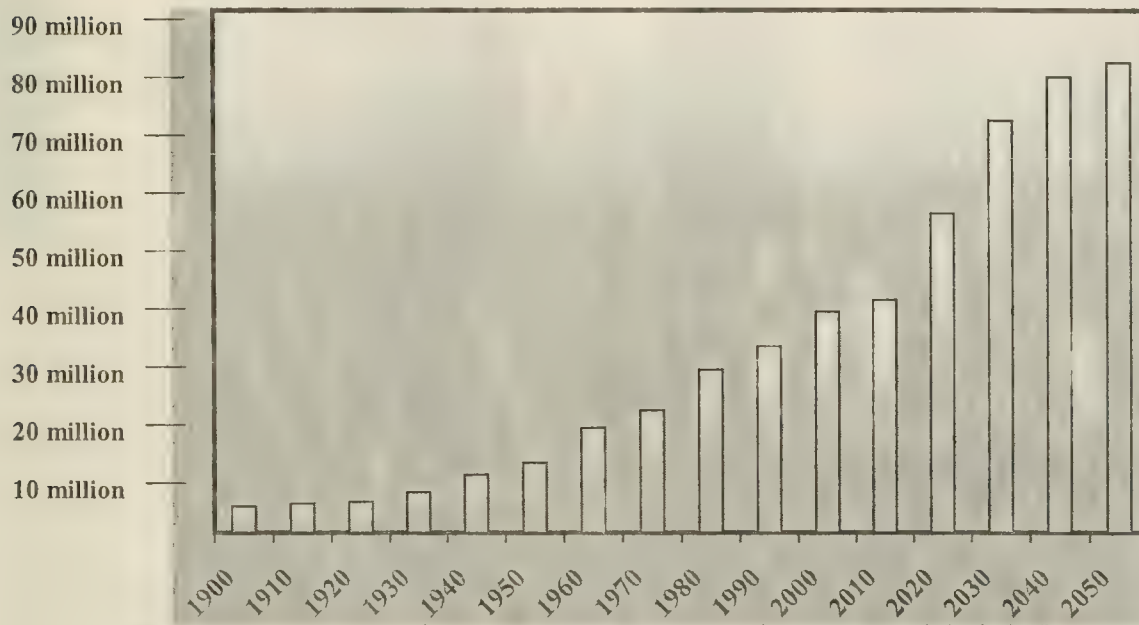
Voter Participation, by Age, 1996 Election⁴



“Today we stand at the edge of two tidal waves: a growing wave of LGBT people aging and entering [elder] social service and community institutions; and a tidal wave of reaction against . . . government funding for social service needs. . . . How will LGBT people fare as these waves wash over our communities? To date, aging service providers are not ready for the new wave of LGBT elders; policy makers are running away from it and until very recently, frankly, the LGBT community has not faced this wave either.”³

The chart below illustrates the rise in the number of older adults living in the United States from about five million in 1900 to more than eighty million by 2050. (U.S. Census)

U.S. Population Sixty-five or Older, by Year⁴

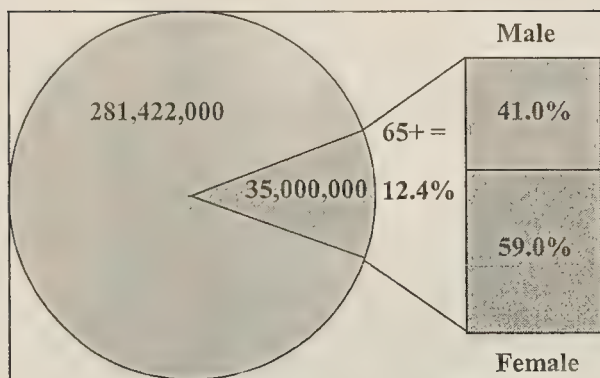


Today, according to the U.N.'s Population Division, one of every ten persons living is age sixty or older, but by the year 2050, that ratio will double to one of five.

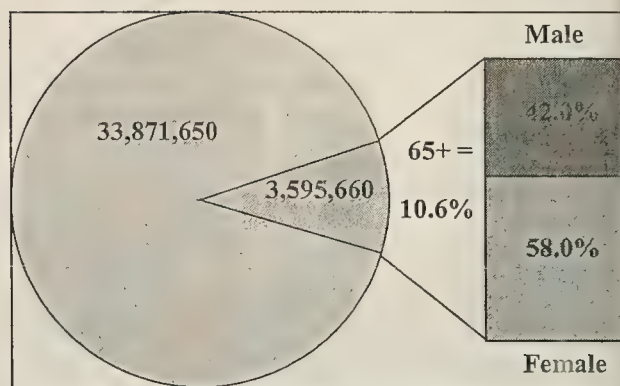


At almost 14%, the proportion of older adults in San Francisco in 2000 was larger than their proportions within the U.S. as a whole or within California. In all three geographic areas, however, the ratio of older women to older men was about three to two. At all levels, this gender difference has important implications for policy regarding seniors.

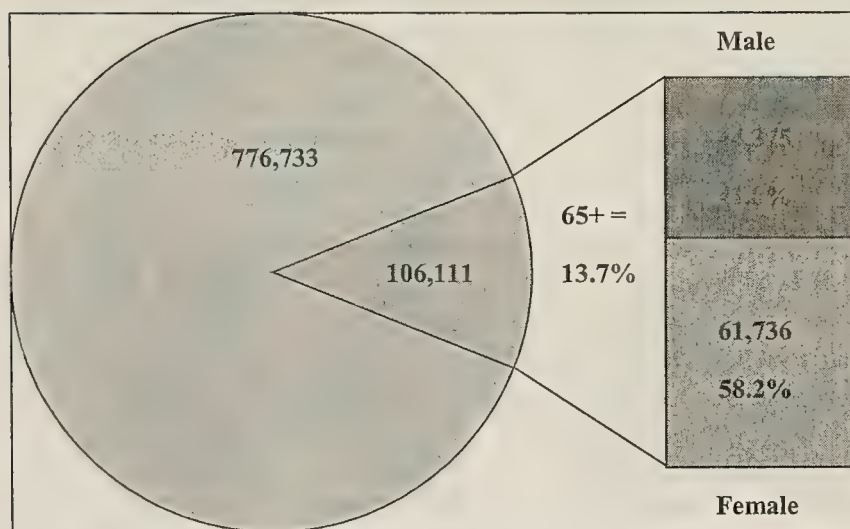
U.S. population, 2000



California population, 2000

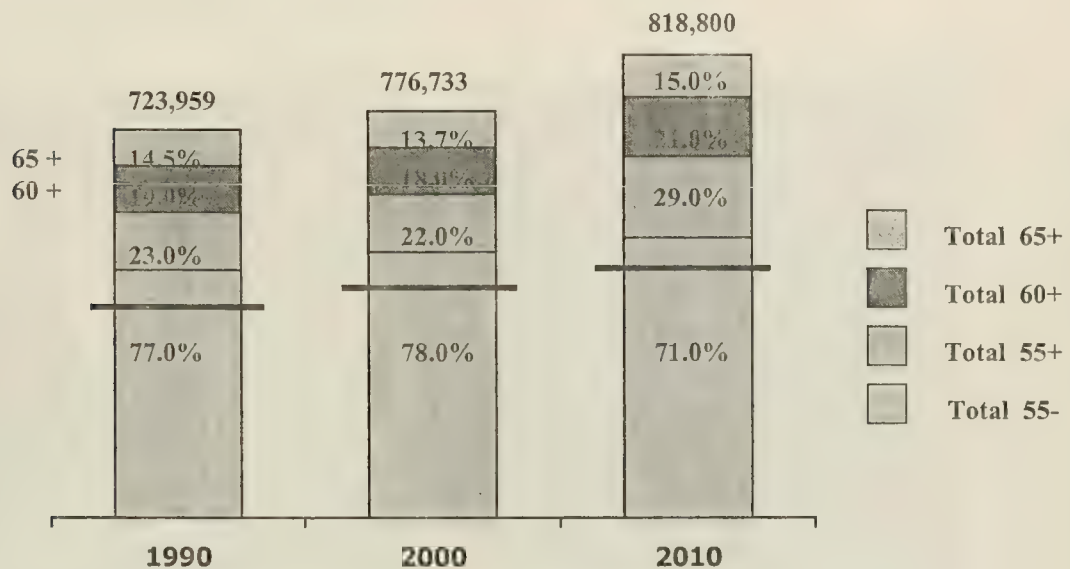


San Francisco Population, 2000⁵



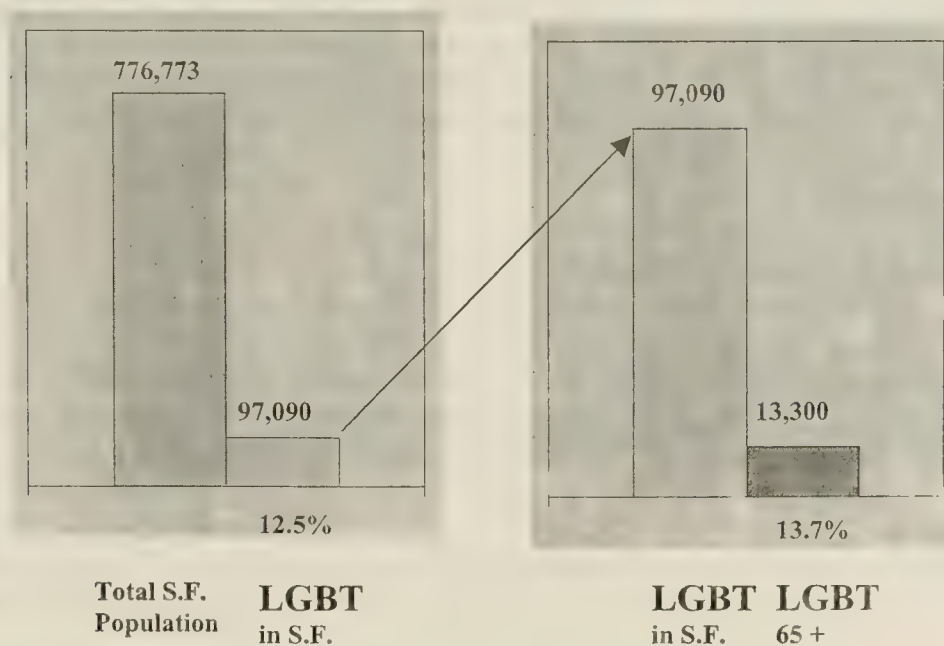
San Francisco's elder population is large, and it is projected that it will continue to grow both in numbers, and more importantly, in proportion.

San Francisco Population⁵



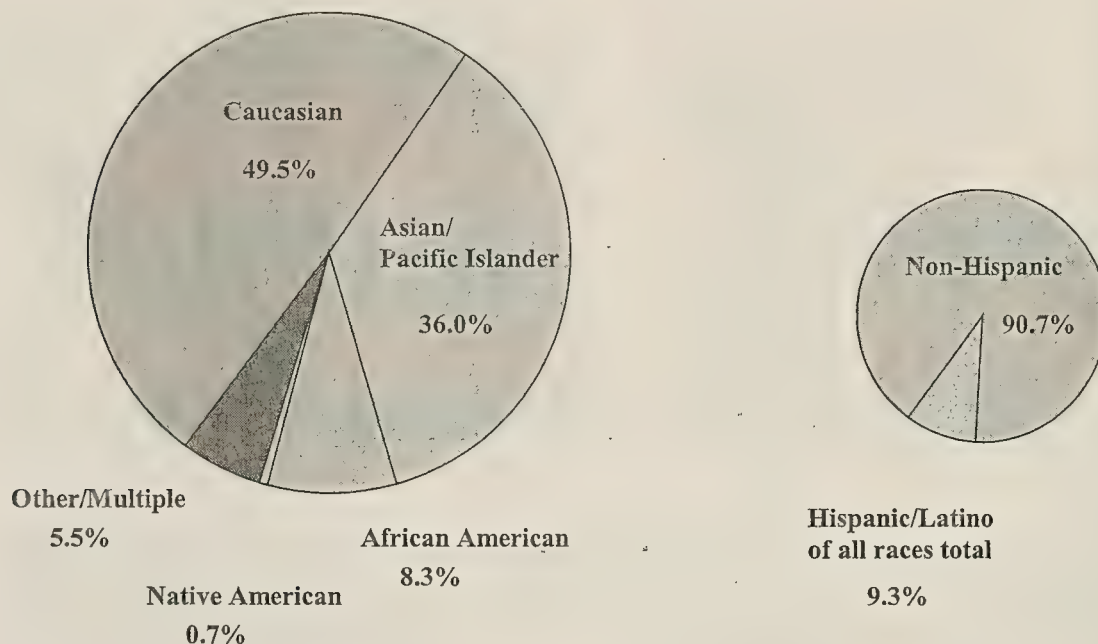
Estimates of the number of older LGBT people in the United States range from 1.75 to 3.5 million. This is between five and ten percent of those sixty-five or older. One will want to keep in mind, however, that many LGBT older adults do not identify with the LGBT categories.

San Francisco LGBT Community⁵



Ethnically, the older adult population of San Francisco is about half Caucasian, a little more than a third Asian/Pacific Islanders, a little less than a tenth African American and about six per cent other races. Among all these groups almost one in ten identifies as Hispanic.

Ethnicity of Seniors Fifty-five and Older in San Francisco, 2000⁵



Seniors depend on multiple sources for their incomes. More than any other source, they depend on Social Security. This has important implications for LGBT elders when one takes into consideration the denial by Social Security of spousal and other benefits to members of LGBT communities.

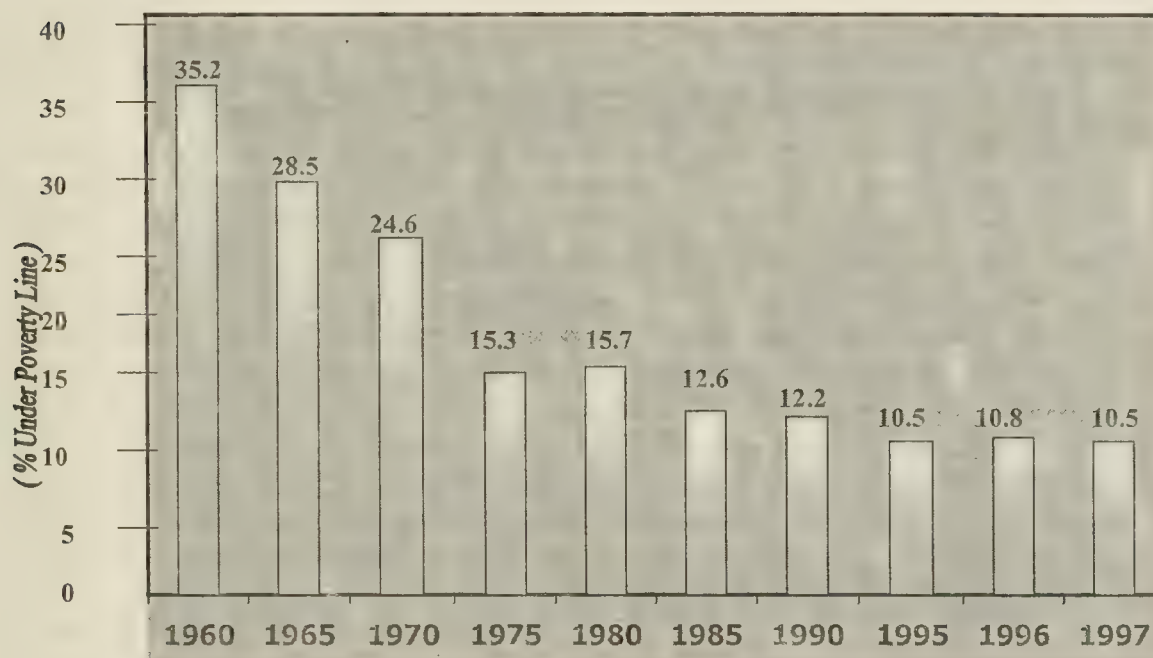
Economics

Major sources of income for Older Adults

- Social Security 90%
- Income from assets 62%
- Public and private pensions 43%
- Earnings 22%

Nationally, 10.2 % of adults sixty-five or older lived below the poverty level in 2000, compared to 11.3 % of the population as a whole. Another 6.6 % of older adults were classified as “near poor,” with incomes no more than 125% of the poverty level. Though these numbers are historical lows, the poverty rate has been increasing during the past couple of years.

U.S. Poverty among Sixty-five and Older⁴



In summation, older lesbian, gay, bisexual, and transgender communities are growing in numbers and social strength. At the same time, they face their own set of challenges because of their sexuality and gender identification and society’s responses to them. The work of the San Francisco Human Rights and Aging and Adult Services Commissions has an important impact on how we understand and deal with these issues.

SOURCES

Please note that much material in this section is quoted verbatim from the sources.

¹ United States. Department of Health and Human Services, Administration on Aging. *Lesbian, Gay, Bisexual, and Transgender Older Persons*. <<http://www.aoa.gov/May2001/factsheets/lgbt.html>> Information in “Stigma,” “Family,” “Health,” “Housing,” and “Income.”

² Davidson, Darcy. “Issues Facing Elderly Gay Men and Lesbians.” December 2000. <<http://www.keln.org/bibs/davidson.html>>

³ Vaid, Urvashi. *Outing Age*. National Gay Lesbian Task Force. 2000.

⁴ Dychtwald, Ken. *Age Power*. Putnam: 1999.

⁵ City and County of San Francisco. Department of Aging and Adult Services, Office on the Aging.

American Association of Retired Persons

American Society on Aging

California Department of Aging

United States Census Bureau

Woolf, Linda M. "Gay and Lesbian Aging." <<http://www.webster.edu/~woolfm/oldergay.html>>

“Growing Older with HIV – The Triple Whammy”

By William Kirkpatrick, MA, MFT Intern

**Social Worker/Volunteer Coordinator at New Leaf Outreach to Elders
serving the LGBT Senior Community in the Bay Area.**

(originally published in the Kaiser Permanente HIV Update S. F., June, 2002.)

The Setting

It is impossible to talk about the subject of growing older with HIV without looking at what I call the “Triple Whammy.”

(1) Being old in America. With obvious exceptions, and with a possible trend toward improving our understandings, let’s say this culture is not exactly kind and respectful to our elders. We seem to have a bewildered impatience and marginalized handling of older people. Enough said.

(2) Being older in a very youth-oriented gay culture. Many speak of being invisible by age 40! There is much estrangement from traditional family support. With some exceptions, most gay men don’t have children to take care of them in their old age or the generational engagement of having grandchildren. Sadly, the historically oppressed gay culture has not been as compassionate to its elders as one would wish.

(3) Living in an epidemic. The amount of loss and grief is extraordinary. “All my friends have died,” you hear. “I have lost two partners and hundreds of friends.” This last 20 plus years have been as traumatizing as a war. We have to consider the effect of such stress over such a long time.

Within the setting of this “Triple Whammy,” many HIV+ people are living their lives, facing many possible challenges.

The Person – Who is He?

Using a 75 year-old as a profile, as a young man he might have faced jail or been put in a mental institution if he revealed his homosexuality. At the least, he would have faced ridicule and harassment, or lost his job. The messages that you were an outlaw, and a bad, deviant person may have been internalized by this man. He probably distrusts the system. The armor that he used to hide behind is the same armor that hinders him from asking for and receiving help now. When he was growing up he was socialized to feel that, “a man is weak if he shares his feelings. Be self-reliant. Be strong. Real men don’t cry.”

With these formative messages you see a lot of low self-esteem. You also see depression. And to cope with difficult emotions, this man may have used alcohol (this was before Prozac) to feel better, and forget his loneliness and “outlaw” status. These guys also had lots of fun and partied behind closed doors, creating a community in the bar culture that was exciting and connecting. This was way before Stonewall (1969).

This 75 year-old man would have been in his early 40’s when gay liberation “came out.” Though an outlaw-deviant label formed his character, he was relatively young enough to be a part of the sexually liberating “arrested adolescence” of the gay community as a

whole. Why was there such hypersexual behavior (bathhouses, one night stands, flesh-baring "Pride" events)? Because they could!

Ten years later the epidemic hit. He would be in his 50's. If he had developed a long-term relationship, that partner may have died. His friends would have died. Many of his gay therapists, doctors, lawyers, etc. would have died. Even younger friends who might take care of him in his later years may have died.

The key shift in this story happened around 1996 and 1997, when the effects of the cocktails began to be felt. I am still seeing the effects of this period in my clients today. A term was coined then: "The embarrassment of hope." No one had been here before. "Is this for real? Should I shift my 'dying person' spiritual outlook?" "I may live, but with the task of taking 30 pills a day, daily nausea, diarrhea, blurred vision, difficult protocols, etc. is going to be an ongoing struggle." Or, "I may live, but I spent my resources as if I wasn't going to. . . can I afford it?" There was also a pinch of "...hmmmm...if I had died I wouldn't have to deal with the issues of getting older." Anger became key at this time. Others decided this man should be grateful to have this alleged new lease on life. Others decided he should quickly return to work. Others decided his gratitude should over-ride his anxiety about the future. What he didn't get until recently was the chance to mourn the loss and feel the sadness of a decade and a half of being in a trauma-ridden war zone.

Today, this 75 year-old might be very alone, ambivalent about surviving, confused and anxious about treatment options, grateful, resigned, angry, hopeful, tired, or any combination thereof.

Coping: What Seems to Work

Here is the positive coping skills part: One of the most healing actions an aging gay man with HIV can take is to come together with others and share his story.

The group I run consists of 11 men whose average age is 63. Half are long-term survivors (sero-converting in the early 80's) and half have had HIV since the 90's.

We talk about medical information. Two-thirds are currently taking meds; one-third is not. Two of us have had strokes; one has had a heart attack. Many are shifting in their nutritional regimes. High cholesterol is a concern with long-term HIV treatment. We frequently talk about whether a symptom is due to HIV or to just getting older. Are the symptoms related to HIV itself or to the side effects of the treatment? Our ability to monitor the virus and its progression and its resistance to treatments with blood tests does minimize the anxiety a bit.

We also talk about how the whole thing is affecting us. Some are depressed, some are numb, and all are fighters. One man has never told his family he is gay, much less living with HIV/AIDS. I gently but continually ask them how they deal with anxiety. Some benefit from the use of psychotropic medication. Others benefit from complimentary medicine such as acupuncture and herbs. Some are very pro-active and some are "resigned." Most don't talk about their feelings that much. They talk about sex and self image, and growing older with HIV.

Most of our group look at their survival as a combination of applied effort, will, maybe an “unfit” virus strain, and luck. No one has the arrogance to say a certain behavior has netted a certain outcome. All of us are humbled.

I imagine we’re all still in a bit of shock. We are surviving. It feels like lately there *has* been more time to process “between deaths” so that a post-traumatic era might be developing. Slowly the feelings are coming out. But I, too, must be respectful of the timing of this process and not rush things. I might put it this way: “Coping skills 101: Get together with others and listen, and share, and gradually move forward, one day at a time.”



Volunteer Opportunities

We would like to volunteer to help out any of the following organizations. We need help at the following offices at Laguna Honda, a Lunch Bunch (a program for more frail seniors), the newsletter mailing parties, and the Friendly Visitor Program. As a Friendly Visitor, you would be paired with an LGBT senior to support them—possibly going for walks together, running errands, and also just listening to them. Your contribution of giving a helping hand and heart to our volunteer program offers you the opportunity to create rewarding connections and to know that you are helping LGBT seniors live fuller lives. If you are interested in volunteering with the seniors in our community, call our Volunteer Coordinator at 415/255-2937, ext. 313.

Outreach to Elders (formerly G.L.O.E.)

Social Activities for Seniors
Friendly Visitors for Seniors
Advocacy
Referrals
Support Groups
Volunteer Opportunities

New Leaf Outreach to Elders provides a range of activities and services for seniors. Our mission is to build community, promote independent living and improve quality of life of seniors of the lesbian, gay, bisexual and transgender community.

New Leaf Outreach to Elders (formerly G.L.O.E.)

senior services
for the
lesbian gay
bisexual
transgender
community

New Leaf is grateful for the support of the San Francisco Department of Public Health: Community Mental Health, Substance Abuse Services and AIDS Office; Office on the Aging; Mayor's Office of Community Development; the AIDS Walk Fund of the Hays Foundation; BAPHR; Wells Fano; Mary MacSwain; L2901 Academy of Friends;



NEW LEAF
SERVICES FOR OUR COMMUNITY

1853 Mission Street, San Francisco, CA 94103-1445

MEN'S FRIENDSHIP GROUP

Discussion topics, field trips, making friends. (2nd and 4th Thursday of the month)

INTERGENERATIONAL WRITERS

Co-gender all ages writing workshop. (Monday evenings)

GENTLE YOGA

Especially for seniors, learn about stress-reduction. (Every Wednesday)

MEN'S POTLUCK BRUNCH

Good food and company, lively discussions. (2nd Sunday of the month)

THINKER'S SALON

Intellectual, artistic, literary and philosophical discussions. (Last Saturday of the month)

READING AND TALKING WOMEN

Potluck and discussion on selected books. (Every 4th Monday of the month)

OPERA AFTERNOON

Selected operas on tape and discussion. (2nd and 4th Friday afternoons)

WOMEN'S 2ND SUNDAY PROGRAM

Socializing, seasonal celebrations, and discussion topics. (2nd Sunday of the month, 3 PM)

WOMEN'S COLLAGE CLASS

Learn about art and create beautiful collage pieces. (Every other Wednesday afternoon)

LESBIAN/BISEXUAL/TRANSGENDER MOVIE MATINEE

Specially chosen films and discussion. (2nd Saturday of the month)

OTHER ACTIVITIES

Fold ups, women's dances, special Gay Pride events.

Community Services

OUTREACH AND ADVOCACY

Making Outreach to Elders known to all senior service providers and advocating for our seniors.

PUBLICATIONS

Monthly newsletter and calendar distributed to agencies and participants.

SPEAKERS BUREAU

Outreach to Elders staff, senior participants and volunteers, inform senior service providers about lesbian/gay/bisexual/transgender aging.

INFORMATION AND REFERRAL

In health, legal, and other matters.

EDUCATIONAL WORKSHOPS

On special issues related to LGBT aging.

SUPPORT/DISCUSSION GROUPS

A place to share interests and feelings.

LUNCH BUNCH

A special program for less active and more homebound seniors. Brings together fall elders for lunch and an opportunity to give each other support.

FRIENDLY VISITING

Friendly visitors provide home visits to isolated seniors.

LAGUNA HONDA EVENTS

Monthly events for our LGBT friends in Laguna Honda.



PUBLIC HEARING ON
Aging in the Lesbian Gay
Bisexual Transgender (LGBT) Communities

Thursday, October 10, 2002, 4:30 p.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Presented by the San Francisco Human Rights Commission
and the San Francisco Aging and Adult Services Commission

**We are investigating quality of life issues for older people
in the LGBT communities. We're looking at the areas of**

Health
Housing
Legal / Economic
People of color, women, immigrants, HIV/AIDS
Social (Spiritual, Education, Sexuality, Isolation, etc.)

If you are an older adult and have experienced

- Homophobia or transphobia when seeking senior services
- Isolation because of your age, sexual orientation, or gender identity
- Ageism within the LGBT communities
- Economic disadvantages or particular financial struggles
- Problems finding and maintaining housing in San Francisco
- Services and service providers that you now use to help you remain at home and in the community

**We invite your testimony on your experience as an older
LGBT person, or as a service provider, and your
recommendations for service providers, government
agencies, and LGBT organizations.**

For more information, contact Larry Brinkin, San Francisco Human Rights Commission
Phone: 415-252-2510
E-mail: Larry.Brinkin@sfgov.org



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Virginia Harmon
Director

NEWS RELEASE

October 4, 2002
FOR IMMEDIATE RELEASE
For information contact Larry Brinkin (415) 252-2510

HUMAN RIGHTS COMMISSION AND THE AGING AND ADULT SERVICES COMMISSION ANNOUNCE
PUBLIC HEARING ON AGING
IN THE LESBIAN GAY BISEXUAL TRANSGENDER COMMUNITIES

The Human Rights Commission and the Aging and Adult Services Commission will jointly hold a landmark public hearing regarding aging in the Lesbian Gay Bisexual Transgender (LGBT) communities in San Francisco. The hearing will take place on Thursday, October 10th, 2002, in Room 416, City Hall, San Francisco, beginning at 4:30 p.m.

Speakers at the hearing will articulate the LGBT communities' needs regarding aging as well as pinpoint ways to better meet these needs. One focus of the public hearing will be addressing the long term care needs of LGBT seniors. The Commissions have scheduled speakers in the following areas: legal and economic concerns, housing, health, social programs, and communities within the community. All members of the public also are invited to attend and speak on these topics, and/or to submit written testimony.

In the legal and economic area, Commissioners invite testimony regarding specific legal constraints for LGBT Seniors as well as the economic affects these constraints have on these communities. For example, how do the federal and local laws concerning wills, inheritance and estate planning effect LGBT couples? Are financial planning programs known to the LGBT communities? How can LGBT seniors protect their relationships as they grow older?

In the social arena, the Commissioners invite testimony on the accessibility of mainstream senior social programs to LGBT individuals. Do members of the community only participate in LGBT sponsored programs? How do the issues of



25 Van Ness Avenue, Suite 800,
San Francisco, CA 94102-6033
Website:
<http://www.ci.sf.ca.us/sfhumanfights>



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
E-mail: sfhumanrightscom@ci.sf.ca.us



sexuality, intimacy, and isolation affect aging members of the LGBT communities? Are LGBT seniors active in the spiritual communities? In communities of color? In the bisexual community? In the leather community?

In the area of housing, how does the lack of affordable senior housing affect LGBT seniors? How does discrimination and heterosexism affect the ability of LGBT seniors to access housing programs? What are some of the plans for the future? What can LGBT seniors who need assisted living do? How does federal law affect funding for LGBT senior housing programs?

In the health arena, how are LGBT seniors being treated by health care providers? Do they avoid seeking treatment because of poor attitudes on the part of providers? What are the effects of violence—hate based, partner, or caregiver—on LGBT seniors? What are the needs of those members of the LGBT communities who are growing older and are HIV positive?

This public hearing will explore the ways in which these and other senior issues affect members of LGBT communities. Through the testimony of experts, and the testimony of all classes of LGBT San Franciscans, the Human Rights Commission and the Aging and Adult Services Commission will be able to offer helpful findings and recommendations that can address the specific needs of the LGBT communities as their members grow older.

SCHEDULE FOR PUBLIC HEARING ON AGING
IN THE LESBIAN GAY BISEXUAL TRANSGENDER COMMUNITIES

**Room 416, City Hall, San Francisco
October 10, 2002 4:30 p.m.**

1. Call To Order
2. Roll Call
3. Section and Speakers

Introduction and Welcome

Ghada Saliba-Malouf – Commission Chair – Human Rights Commission
Vera Haile – Commission Chair – Aging & Adult Services Commission
Martha Knutzen – Commissioner – Human Rights Commission
Theresa Sparks – Commissioner – Human Rights Commission
Virginia Harmon – Director – Human Rights Commission (HRC)
Darrick Lam – Director – Department of Aging & Adult Services (DAAS)

Overview/Framing the Issue

Darrick Lam – Director – DAAS
Larry Brinkin – LGBT & HIV Div. Manager – HRC
Phyllis Lyon -- Former HRC Commissioner
Anne Tamar-Mattis -- LGBT Community Center (3 minutes)
R. Wood Massi, PhD – Chair, Older Adults Dept – SF City College
George Roosen -- New Leaf Senior Services (5 minutes)
Red Jordan Arobateau (3 minutes)
Valerie Hayden -- Institute on Aging (4 minutes)
Patrick Hoctel -- American Society on Aging, LGAIN Program (3 minutes)
Joyce Pierson -- National Center for Lesbian Rights (5 minutes)
Dr. Suzanne Dibble, UCSF (3 minutes)
Kristine Oreskovich (3 minutes)
Jerry Becerra -- Golden Gate Business Association (3 minutes)

Public Comment

Communities Within the Community

Marc Scruggs (3 minutes)
Dion Wong (3 minutes)
Dora Balcazar (3 minutes)
John Land (3 minutes)
Maggie Rubenstein (3 minutes)
Monroe Pastermak (3 minutes)
Lorraine Hall (3 minutes)
Bill Hollobaugh (3 minutes)
John Cailleau (3 minutes)

Public Comment

Housing

Jan Faulkner -- Rainbow Adult Community Housing (3 minutes)
Michael Gibson -- Gay Care (3 minutes)
Tommi Avicolti Mecca -- Housing Rights Committee (3 minutes)
John McCoy -- Laguna Honda (3 minutes)

Public Comment

Social Issues

Brian de Vries -- SF State (3 minutes)
Bill Kirkpatrick -- New Leaf (3 minutes)
Mary Twomey -- Institute on Aging (3 minutes)
Rev. Yvette Flunder -- City of refuge United Church of Christ (3 minutes)
R. Wood Massi, PhD -- Older Adults Department, SF City College (3 minutes)
Paul Goercke -- Alexander Hamilton American Legion Post (3 minutes)
Jack Davis -- Radical Faeries (3 minutes)
Bill Reiter -- Family Caregiver Alliance (3 minutes)
Warren van Eck -- Prime Timers (3 minutes)
Hal Seip (3 minutes)

Public Comment

Health

JoAnne Keatley -- UCSF Health Studies for People of Color (3 minutes)
Jennifer Rakowski -- CUAV (3 minutes)
Paul Miller -- Stop AIDS Project (3 minutes)
Rodger Brooks -- Kaiser Permanente HIV Advisory Board (3 minutes)
Tim Patriarca -- Maitri (3 minutes)

Public Comment

4. Adjournment

COMMUNITY NEWS

Hearing tackles issues for older gays

by Zak Szymanski

Older lesbians, gay, bisexuals, and transgenders often face dual discrimination: ageism in the gay communities, and homophobia while accessing senior services. Recognizing a need to address today's social and economic pitfalls, as well as plan for the future of a community that is growing older, the San Francisco Human Rights Commission is holding a public hearing next Thursday, October 10, at 4:30 in City Hall room 416.

Older adults who have encountered homophobia or transphobia

while seeking senior services; isolation because of age, sexuality, or gender identity; economic disadvantages; problems finding housing; and other issues are encouraged to testify about their experiences. Likewise, those who have found services and communities that are welcoming and helpful are asked to share their experiences as well. Additionally, providers who serve the LGBT and/or senior communities are invited to speak or listen to suggestions.

Issues to be addressed include how LGBT couples can protect their relationships as they grow older; whether members of the community participate only in

LGBT programs; whether LGBT seniors are active in the spiritual, leather, bisexual communities; how factors like race and class affect participation in programs; how elder and/or domestic violence affects the older LGBT communities; and whether healthcare addresses all the needs of an aging LGBT population. Through the testimony of all those present, the HRC hopes to formulate guidelines and recommendations to address the specific needs of older LGBT people.

Everyone is welcome. More information about the hearing is available by calling (415) 252-2510. ▼

HEALTHCARE and aging

NEWSLETTER OF THE HEALTHCARE AND AGING NETWORK

www.asaging.org/han

INSIDE

LESBIAN, GAY &
BISexual ELDERs

Support for Nursing
Home Residents

Making Services
Accessible

Group for
Alzheimer's
Caregivers

Long-Term Care

Directions for
Research & Policy

Respect is the Key to Healthcare for Lesbian, Gay and Bisexual Elders

by Antony Smith

When David called the hospital to find out how his partner of 32 years was doing after an operation, the staff refused to tell him. His partner was not legally related to him, nor could he be under current law in the United States, the United Kingdom and most other jurisdictions: David, 58, and his partner, Henry, 60, are a gay couple. They were understandably angry and distressed by the hospital's complete disregard for their relationship, but it's a familiar tale for many same-sex couples.

When you are not regarded as next of kin, obtaining information about a patient—let alone being involved in any medical decisions—can be a complicated task. A spouse is automatically entitled to such access; same-sex partners are not, unless the couple has prepared specific written instructions and powers of attorney—a

fact only fully understood by many lesbian, gay and bisexual elders when it is too late.

In a worst-case scenario, some can be denied access to a partner's bedside by family members if the couple's relationship is not understood or recognized. This position is all too familiar for lesbian, gay and bisexual elders, who are much more likely than their younger counterparts to have lived their personal lives discreetly, even secretly. Imagine the trauma of not being able to be with the person you love when he or she is ill, because of a healthcare provider's rules or a family's misunderstanding or ignorance.

The problems faced by same-sex partners in relation to healthcare represent only the tip of the iceberg for lesbian, gay and bisexual elders. Many older adults from these communities also fear discrimination in treatment and provision of ser-

-continued on page 6

NETWORK NEWS

by Lynne Anker-Unnever

The American Society on Aging is committed to helping professionals in the field of aging better serve the full diversity of older adults in the United States. Past issues of our newsletter have covered a variety of healthcare concerns for elders of color. This issue of *Healthcare and Aging*—devoted to articles on the healthcare needs of lesbian, gay and bisexual elders—is HAN's latest contribution to advancing cultural competence among healthcare providers.

All healthcare providers serving elders have lesbian, gay and bisexual patients, even if they are unaware of it. These elders have spent the better part of their lives in a period of American history when the medical profession and other

social authorities actively condemned them; as a result, they may be hesitant about revealing their social relationships and intimate activities to healthcare providers. To establish relationships of trust, providers need to make special efforts to reassure elders for whom mistrust has been a sensible strategy for survival.

Providers need to know about the network of social support available to elders using their services. Similarly, providers need to be alert to questions related to sexual health and sexually transmitted diseases. If patients feel uncomfortable bringing up such issues, the quality of their care will suffer. Even well-meaning providers may inadvertently send signals to lesbian, gay

-continued on page 8

■ 'Laguna Heaven'

Rainbow Group Supports LGBT Older Adults In a City-Funded Skilled Nursing Facility

by Patrick D. Hoctel

At Laguna Honda Hospital, San Francisco's 134-year-old city-funded skilled nursing facility, the Rainbow Group holds a monthly gathering of lesbian, gay, bisexual and transgender (LGBT) residents, most of whom are elders. The group is the brainchild of

Charles Stinson, the openly gay chief of psychiatry at the hospital, and Ruth Morales, a lesbian social worker at a San Francisco nonprofit social services agency, New Leaf Outreach to Elders—formerly known as Gay and Lesbian Outreach to Elders (GLOE).

Morales remembers that “for about two to three years before we got asked to do the Rainbow Group, I had been picking up people from Laguna Honda for GLOE’s ‘lunch bunches.’ The invitation came from Dr. Stinson. We came across as serving a special population, like Latinos or African-Americans. Stinson understood how gays and lesbians could be served by such a program.”

Both Stinson and Victoria Cameron, an activity therapist at Laguna Honda who is openly lesbian, were thrilled when about 15 residents turned up for the group’s first event, a 1998 Halloween party. Stinson recalls that some attendees thought they were the only gay people at the facility and couldn’t believe there were others.

Cameron and New Leaf volunteer coordinator Eddie Waller plan the monthly soirees, which include fall wreath-making and other seasonal celebrations, outings to local nature preserves, Pride Day parades, gay trivia bingo and high teas, plus plenty of costumes, decorations and refreshments.

The Rainbow Group shindigs usually draw between 35 and 40 of the LGBT residents at Laguna Honda. Many of them use wheelchairs, but Cameron notes, “Our population runs the gamut, from nonverbally responsive to completely cognitively intact. All levels of dementia. All levels of physical ability. What we try to stress is our common bond as gay people. All you have to do is be LGBT or declare yourself a friend.”

Cameron identifies the Rainbow Group’s main purposes as battling isolation and enhancing community identification, a view shared by New Leaf’s Waller. “A lot of these people have

been extremely isolated and closeted,” Waller emphasizes, “especially at Laguna Honda. The fact that they’re able to gather together and meet with other folks means a lot to them—that and the fact that people from the outside come in and still include them in the community.”

Waller’s sentiments are echoed by Morales, who adds that “we’re providing the time and the place for elder gays to be out and socialize, so they know that even though they’re in Laguna Honda, they’re in our commu-

The monthly soirees include seasonal celebrations, outings to local nature preserves, Pride Day parades, bingo and high teas, plus costumes, decorations and refreshments.

nity. I love the fact that after one of the first events, a resident proclaimed, ‘This is no longer Laguna Honda; it’s Laguna Heaven!’”

Another point on which all three women agree is the key role played by the dozen or so New Leaf volunteers who show up faithfully on the third Thursday of every month; without them, the Rainbow Group wouldn’t exist. Laguna Honda is, for party-throwers at least, a bit of a logistical nightmare. The Spanish Revival structure, built in 1926 and home to approximately 1,200 residents, is both cavernous and labyrinthine.

The current facility sprawls over a 64-acre hill and boasts several smaller buildings in addition to the main one. Collecting all the residents and transporting them to wherever a particular party is being held—and then making sure they get back safely—is a task that

HEALTHCARE and aging

ISSN 1527-4101

Editorial Board

Chair: Marie Parker

Cochair: Jean Polatsek

Members: Ellen Browne,

Janice L. Feinberg, Joan Greathouse,

Norman J. Hannay, Molly Miceli,

Peter Yedidia.

Editor: Gerard Koskovich

Associate Editor: Jonathan Kauffman

Assistant Editor: Ingrid Wynden

Editorial Assistant: Audrey Wong

Typographers: Tyler Cohen & Raleigh Freeman

Healthcare and Aging is published quarterly by the Healthcare and Aging Network (HAN) for its members. Copyright © 2002 American Society on Aging. Reproduction requires written permission from the publisher.

A constituent unit of the American Society on Aging (ASA), HAN brings together professionals to promote innovative, high-quality approaches to meeting the healthcare needs of older adults. Members represent a wide variety of healthcare settings and disciplines.

For membership information, contact HAN staff liaison Therese McNamee at (415) 974-9632 or han@asaging.org, or visit the HAN home page at www.asaging.org/han.

Healthcare and Aging welcomes article proposals, announcements and letters. Contact editor Gerard Koskovich at (415) 974-9641 or gerardk@asaging.org.



American Society
on Aging
833 Market St., Suite 511
San Francisco, CA 94103
Phone: (415) 974-9600
Fax: (415) 974-0100
Web: www.asaging.org

quires detailed lists, van schedules, cooperation from the staffs of various units, lots of coordination, supportive personnel and, especially, dedicated volunteers.

One such volunteer is the ebullient 77-year-old Romeo L'Heureux, whose high spirits and good cheer have made him popular with the residents. "It's simple," L'Heureux says. "I enjoy volunteering. When I'm helping people, I can't think of myself and my problems. It keeps me alert and healthy and young in my outlook."

"The events are wonderful," says Cameron, "but I'd like to see more volunteers, more one-on-one peer support." Kathleen Schwab of Laguna Honda advocates for "little groups that could meet periodically throughout the month," which would facilitate people becoming friends outside of the events themselves."

Waller's thinking runs along the same basic track: "I would like to see it keep expanding. With a population of 1,200 residents, you know there are more LGBT elders there."

Even if all these goals are achieved, Laguna Honda, with the myriad problems of a large state institution, will never be quite "Laguna Heaven." However, thanks to facility staff and New Leaf volunteers, it will be well on its way to providing a place where low-income LGBT elders can feel safe, welcome and proud.

AGENCY OFFERS RANGE OF SERVICES FOR LGBT ELDERS

In addition to the Laguna Honda group, New Leaf's free services for LGBT older adults in San Francisco include "lunch bunch" meals for frail elders, a women writers group, a men's friendship group and a friendly visitors program for the homebound. Approximately 400 older adults regularly rely on services from New Leaf.

New Leaf Outreach to Elders, which is funded in part by the San Francisco Commission on Aging, can be reached at (415) 255-2937; visit the agency's website at www.newleafservices.org. ■

Patrick D. Hotel works for the Department of Aging and Adult Services in San Francisco.

Tips for Making Services Accessible to LGBT Elders

by Amy Davenport

For many social services and healthcare agencies, lesbian, gay, bisexual and transgender (LGBT) elders are invisible. At best, this lack of acknowledgement and acceptance of LGBT elders can stem from providers' lack of awareness; at worst, it can reflect active denial of or opposition to such diversity. LGBT elders need healthcare and social service professionals not only to be competent, but also to treat them and their partners with respect, and to extend to their chosen families the same rights afforded to traditionally recognized families.

We at Rainbow Train, a Seattle-based organization, have dedicated ourselves to educating service providers about the needs of LGBT elders. When we conducted focus groups with LGBT elders, they made it clear that they felt excluded and underserved by many social services and healthcare agencies. We provide skill-based workshops on the social, cultural and historical context of LGBT elder communities, address the social and psychological needs and concerns of LGBT elders, and focus on practical approaches and techniques for service providers working with this population.

Drawn from the findings of our needs assessments and LGBT cultural competence curriculum, following are some practical tips for healthcare professionals who wish to work effectively with LGBT older adults. Not all of these suggestions will work for every client; in fact, an approach that makes one client feel welcome may be offensive to another. But professionals who make an effort by asking appropriate questions—and by being willing to make mistakes and start over—will be taking a step in the right direction.

Create a Safe Space. Visual cues communicating that an agency is

welcoming—such as a poster depicting two women as a couple or a family, a nondiscrimination statement that includes sexual orientation and gender identity, or a display-rack that features a pamphlet about coming-out groups for older gay and bisexual men—can mean a lot to LGBT clients. These cues not only are validating, but also send a message that the agency is a place where it is safe to be honest about one's sexual orientation or gender identity—a place where isolated elders can find health-related information they may not otherwise know how to obtain.

Use Inclusive Language. Using inclusive language, both written and spoken, means remembering to include the possible life-situations of people other than married, heterosexual, nontransgender individuals. On intake-form questions about marital status and next of kin, for example, use words and phrases such as "partner" or "significant other," "family of choice" or "support system," as appropriate.

When addressing clients verbally, learn to use gender-neutral phrases and open-ended questions that aren't based on assumptions. Using these types of terms with everybody—including married heterosexual people—shows clients you are interested in their unique situations, whatever their sexual orientation or gender identity.

Examples of open-ended questions for assessments include the following:

- "Are you currently in a significant relationship? Tell me about that."
- "Tell me about your living situation. With whom do you share your household?"
- "Tell me about the people who are important to you. Where do you get support?"
- "Are there circumstances in your life that I should be aware of in order

continued on page 8

Creating a Support Group for Lesbian and Gay Caregivers for People With Alzheimer's

by Jed A. Levine & Carolyn Altman

The New York City chapter of the Alzheimer's Association has many specialized caregiver support groups, including groups specifically for spouses, adult children and daughters only. People who share the same family role often have an immediate empathy for each other. The concerns of an adult daughter caring for a mother are significantly different from those of a wife caring for her husband of many years.

Even though individual situations might vary greatly, the experience of being in the same caregiver role provides the framework for making connections and sharing experiences and feelings. Despite other differences, role commonality creates a bond.

A similar framework applies to gay men and lesbians, especially older adults, many of whom have spent much of their lifetimes hiding an important part of their lives from the larger society. Many older gay men and lesbians were rejected by their biological families long ago, disowned and discarded solely because of their sexual orientation. Even some younger gay men and lesbians from accepting families have internalized the strong societal message that being different is wrong. It is difficult for them to be open and trusting in a mixed group.

Gay and lesbian adult children also encounter certain issues within their family structure that differ from the experience of their heterosexual siblings. Alzheimer's disease forces the issue of coming out before the disease robs the ill parent of the ability to know fully the gay or lesbian child. The gay or lesbian person caring for a partner without the legal sanction of marriage is faced with a multitude of issues that complicate the caregiving relationship.

For over six years, the New York City chapter of the Alzheimer's Association has joined with Senior Action in a Gay Environment (SAGE) to offer a unique support group for lesbian, gay,

bisexual and transgender (LGBT) caregivers for people with dementia. The group, the first of its kind in the United States, provides a safe, comfortable place where LGBT people are free to share their concerns without the added—and exhausting—burden of concealing their sexual orientation.

The group is a successful collaboration between the two agencies, both based in New York City. The Alzheimer's Association provides a comprehensive training program for support group leaders and monthly supervision meetings led by an experienced facilitator.

Together, the organizations recruit, screen and supervise the group leaders. We publicize the group through the

Even though individual situations might vary greatly, the experience of being in the same caregiver role provides the framework for forging bonds.

chapter's quarterly newsletter, website and education meetings and through SAGE's monthly calendar and announcements at the SAGE Center. Potential clients are identified through the chapter's 24-hour helpline and SAGE's intake process.

Held at the LGBT Center in Manhattan, the support group is a rich source of gay- and lesbian-specific information that can ease the caregiving burden. Many group members report that although they found the general services and information provided by the Alzheimer's Association very helpful, they were pleased and relieved to find out about the LGBT group.

The support group establishes connections that allow for meaningful sharing of the issues and feelings related to being a gay man or lesbian caring for a

person with Alzheimer's. We have always encouraged a coleadership model for this group, with both a male and a female leader. In addition to modeling ways of relating to each other, coleadership helps both leaders cope with the strong feelings that are stirred up in group meetings.

Five men and nine women are currently enrolled in the LGBT caregiver support group. They range in age from their early 30s to their mid-60s. The group members report that it is very important to have a place to talk about caregiving, and to deal with the additional complexities of being a gay or lesbian caregiver (the group currently has no identified bisexual or transgender members). The members in the group have diverse caregiving experiences. Some live with a partner and a parent, some with a parent alone. Some are long-distance caregivers, and some have parents who are in nursing homes.

Group members' concerns are similar to those of other caregivers: acceptance of the disease; the difficulty of finding and accepting appropriate services; feelings of helplessness, anger, guilt, sadness, frustration and exhaustion; and mourning for the person they once knew.

Issues unique to the group come up, as well. Many participants express fears about who is going to care for them if they become old and ill. Many wonder how to create a support network. Some have to cope with the insensitivity of other family members who look at the LGBT adult child as being available to do the caregiving because he or she doesn't have a traditional family, or who refuse to recognize the LGBT person's nontraditional family.

Alzheimer's disease forces more intimate contact with other family members, thus exposing the LGBT adult child to the family's subtle or not-so-subtle homophobia. One lesbian couple discussed the issues involved with being in

continued on page 6

Long-Term Care Issues for LGBT Older Adults

Lora Connolly

An estimated 13 million Americans of all ages are unable to go to school, work outside the home or live independently due to chronic health conditions. Conservative estimates count 3 percent of the general U.S. population as being lesbian, gay, bisexual or transgender (LGBT), but a more frequently cited figure is 7 percent. By extension, between 390,000 and 910,000 LGBT Americans require long-term care (LTC) assistance due to chronic health conditions. And this rough calculation does not factor in the disproportionate impact of AIDS among gay people.

A fundamental issue for LGBT elders who need LTC services is potential discrimination. Elders who have invested a great deal of energy in keeping their sexual orientation hidden over the years may fear that their secret will be revealed by a care provider, leading them to lose existing housing, health, social and familial supports. This fear can cause some people to avoid seeking services, further exacerbating their underlying health conditions.

Other older adults who have been open about their sexual orientation in many aspects of their lives fear that they may be required to go back into the closet to avoid discrimination when seeking LTC services. Those of us not faced with chronic health conditions may find such a tradeoff hard to imagine, yet many LGBT elders who need assistance from an unwelcoming system of long-term care find themselves in this very situation, forced to pull away from their social networks at the very moment they most need the support.

LGBT older adults' fears about discrimination in LTC services are not unfounded. The San Francisco-based Gay and Lesbian Medical Association, for example, has documented systemic homophobia and discrimination against LGBT patients both in the medical profession at large and in medical schools.

Anti-LGBT discrimination in LTC settings can be categorized as unintentional, intentional, or a mix of the two. For instance, a daycare provider might

not contact the partner of a gay elder suffering from dementia when his condition appears to be rapidly declining, although she certainly would contact a heterosexual caregiving spouse. Perhaps the center's records fail to identify the elder's "roommate" as his significant other—an unintentional omission that could create substantial problems for the elder and his partner.

In the same case, the staff member might choose intentionally not to call the elder's partner—a choice motivated by her belief that LGBT people should not be served by the daycare program because the other clients might be uncomfortable around them. Midway between unintentional and intentional discrimination is denial, with the staffer deciding not to call after saying to herself, "Well, sure, they live together, but they're not like that. . . ."

In a number of metropolitan areas around the nation, professionals and concerned members of the LGBT com-

munity are developing initiatives to provide diversity training to LTC providers and assistance to LGBT elders seeking supportive care. Seattle-based Rainbow Train is one such program (see page 3 of this issue for more details). In addition, the annual ASA-NCOA Joint Conference and ASA's regional Summer Series routinely include sessions to help providers of healthcare and social services understand the needs of LGBT elders.

Organizations are collaborating and sharing their resources and materials. Healthcare professionals and the LGBT community must continue to work together so that, someday, all these small but meaningful steps will make long-term care services and facilities more accessible to—and more supportive of—LGBT elders. ■

Lora Connolly is chief deputy director of the California Department of Aging, Sacramento, and is immediate past chair of ASA's Lesbian and Gay Aging Issues Network.

ASA Web Seminars Bring Premier Education on Aging Issues to Your Desktop

ASA has an exciting lineup of Web seminar series this fall, including:

- DEMENTIA & DIVERSITY
- LEGAL & ETHICAL ISSUES IN AGING
- COMPREHENSIVE GERIATRIC ASSESSMENT
- MEETING THE NEEDS OF FAMILY CAREGIVERS
- THE SECRETS OF AGING: BODY, MIND, LONGEVITY & SOCIETY
- OLDER DRIVER WELLNESS
- CLINICAL PROTOCOLS FOR CARE MANAGERS
(in cooperation with the Philadelphia Corporation on Aging)
- MENTAL HEALTH

Continuing education credits are available for most ASA Web series.

**For dates and more information, visit
www.asaging.org/webseminars**

Serving Elders

continued from page 1

vices. This fear is one of the key reasons why lesbian, gay and bisexual elders are less likely to seek medical help than other older adults—especially if the condition is related to their sexuality.

A difficulty lesbian, gay and bisexual elders often face when they reveal their sexual orientation to service providers is the assumption that their orientation itself is a problem. As a result, lesbian, gay and bisexual elders with a mental health problem often feel unable to disclose their sexual orientation, either for fear of it being regarded as the problem or because of concerns about confidentiality, discrimination or even abuse. This pressure to conceal one's sexuality can cause these clients further conflict and difficulty at an already vulnerable time.

THE HARMFUL EFFECTS OF SOCIAL MARGINALIZATION

Of course, hostile and negative social attitudes can and do have a serious debilitating effect on the psychological well-being of some lesbian, gay and bisexual people. Depression and fear of rejection can affect those grappling with the coming-out process—especially in the case of older people, who have more likely suffered condemnation for much of their lives. The marginalization experienced by lesbian, gay and bisexual people can result, for example, in higher levels of drug and alcohol abuse.

It is important not to equate sexual orientation only with sexual activity, yet at the same time to be aware that many older people have active sex lives. Lesbian, gay and bisexual elders are no different from heterosexual elders in this regard. As a result, healthcare providers should be alert to the possibility that older adults—including lesbian, gay and bisexual elders—may encounter sexually transmitted diseases.

Given this fact, older people are as much in need of safer sex information as younger people—yet the overwhelming majority of such materials are aimed exclusively at the young.

The language these materials use can be alienating or even embarrassing to an older person, and combined with youthful visual images, can make the issue seem irrelevant to them. Lesbian, gay and bisexual elders can feel further excluded if materials targeted at older adults reflect a presumption that all elders are heterosexual.

Another serious deterrent to elders seeking medical help for sexually transmitted diseases is fear of age discrimination in what is perceived as a youth-focused area of healthcare. In addition, older people can have very specific needs in relation to treatment, care and support. HIV-positive elders, for example, tend to progress from infection to developing AIDS symptoms more rapidly than do younger people.

Discrimination and lack of understanding also present challenges for lesbian, gay and bisexual elders whose partners are in long-term care facilities. These elders often face the uncomfortable choice of lying or repeatedly having to explain—even justify—their relationships.

The elder acting as caregiver not only has to deal with personal anxieties about coming out, but also must think about the consequences for the sick partner: Will being open have a negative effect on the partner's quality of care? Will staff and other residents and the family react badly?

For many lesbian, gay and bisexual elders, keeping quiet or coming out have equally unsettling effects. Denial can cause grave feelings of betrayal and

guilt at what is already a distressing time; coming out, possibly for the first time to strangers, is likely to be similarly traumatic.

In what they often perceive as the heterosexual setting of long-term care facilities, many older lesbian, gay and bisexual caregivers still choose to conceal their relationships. Their fear of negative reactions might be unfounded, yet many elders see openness as a risk not worth taking when a loved one's care is at stake.

CREATING AN ATMOSPHERE OF RESPECT

Lesbian, gay and bisexual elders don't necessarily need special services or programs; what they do need, above all, is to feel acknowledged, included and understood. Healthcare providers can make sure that their services are truly accessible to all elders by working to create this atmosphere of respect.

Fortunately, there are many simple, inexpensive ideas organizations can take to become more welcoming to lesbian, gay and bisexual elders. Amy Davenport's article on page 3 of this issue of *Healthcare and Aging* offers a number of practical steps for providers wishing to serve these elders more effectively. ■

Antony Smith is a freelance consultant, writer and trainer on aging; equality issues; and lesbian, gay, bisexual and transgender issues. He is coauthor of Opening Doors: Working With Older Lesbians and Gay Men (London: Age Concern, 2001). He lives in London.

Alzheimer's Group

continued from page 4

an "invisible relationship" when visiting one partner's mother in a nursing home. A couple who live with one partner's parent and a full-time home attendant report very complex issues and stresses in working with the various cultural components that now make up the home.

We are pleased to report that other chapters of the Alzheimer's Association, as well as other organizations, have

looked to us for information and guidance in helping them set up similar groups in their area. This support group has become a very positive model of cooperative partnering for both agencies. It provides a much-needed service, and we hope to see more groups of this kind in the future. ■

Jed A. Levine is director of programs and services at the New York City chapter of the Alzheimer's Association; contact him at jed.levine@alz.org. Carolyn Altman is associate director and director of clinical services at SAGE in New York City; contact her at caltman@sageusa.org.

Healthy People 2010

Federal Report, Community Response Set Directions for LGBT Elder Health Efforts

Michael D. Shankle

The last few years have been auspicious for health issues related to the lesbian, gay, bisexual and transgender (LGBT) community. One of the more significant advances was in the development of the *Healthy People 2010 Companion Document for Lesbian, Gay, Bisexual and Transgender Health*.

Many outside the public health and medical communities do not know that once every 10 years, the United States establishes a set of national health objectives to accomplish over the course of the following decade. These health-promotion and disease-prevention goals—published in a report titled *Healthy People*—serve as a basis for states, communities and professionals to develop programs for underserved and vulnerable populations.

Healthy People 2010 is the first time that the Department of Health and Human Services (DHHS) has included sexual orientation as a variable for health disparities in the *Healthy People* objectives. This inclusion also led DHHS to fund the development of the *Healthy People 2010 Companion Document* (available online at www.glma.org). Nearly 100 individuals, agencies and organizations formed the national collaborative to develop this 481-page report. The companion document is the first-ever national attempt to comprehensively examine health issues and health promotion in the LGBT community.

The document examines and makes recommendations in the following areas: access, preventive medicine, cultural competence, quality health services, mental health, public health infrastructure, HIV, immunization and infectious diseases, tobacco, injury and violence prevention, and substance abuse. Another major agenda item for the companion document is the need for additional research and data regarding health issues in the LGBT community.

Healthy People 2010 is based on existing scientific knowledge; the objectives

were developed to be measurable over time. This proves to be a problem with the LGBT community, for which there is little national-level health data. Although the LGBT community has many health needs similar to those of the general public, the community also has some specific needs. In response, the companion document not only establishes known baselines and provides directions for action but also identifies further areas for research and encourages the development of data systems to measure the objective or to establish a baseline.

Given the larger number of openly LGBT people in the post-Stonewall generation, we would expect the aging of the boomers to draw attention in particular to LGBT aging issues. So what does the *Healthy People 2010 Companion Document* tell us about the health concerns of LGBT older adults? The answer is—surprisingly—very little.

PROBLEMS WITH EXISTING RESEARCH

Almost all of the research to date regarding LGBT older adults has relied on small, unrepresentative samples, generally involving white, well-educated, middle-class males who are out of the closet and are part of the organized gay community. The existing findings therefore represent the experiences of only a small subpopulation of LGBT individuals. The needs of those from other races, ethnicities, genders, socioeconomic statuses, levels of physical ability and openness about sexual orientation have not been fully assessed.

The introduction to the companion document attempts to illustrate the diversity of the LGBT community while highlighting the subgroup of LGBT older adults. As illustrated in the document, sexual and lifestyle development and sexual-identity formation in LGBT elders are important issues. Generational effects are discussed as major influences on lifestyle, social-sexual development and social interaction.

One of the major goals of *Healthy People 2010* is to reduce premature

death and preserve the independence of older adults. This goal is carried through into the companion document. The document provides little discussion of older LGBT individuals; however, much of the information ultimately will benefit LGBT elders.

A few of the recommendations specific to older LGBT individuals include the following:

- The need for homecare and health-related agencies to become culturally sensitive.
- Development of policies to ensure access to healthcare and social services.
- Equal treatment of LGBT families in hospitals and other health agencies.
- LGBT-friendly services for diseases such as cancer and behaviors such as smoking and alcohol use that exhibit high prevalence in the LGBT community.
- Beneficiary guidelines to ensure appropriate reimbursement for medical and related services.

How can we be assured that the recommendations in the companion document will be acted on? The outcome depends on researchers, service providers, the LGBT community and its allies. LGBT health disparities and vulnerabilities need to be validated through in-depth, comprehensive research. Individuals need to advocate for the inclusion of reliable, valid data measures for the LGBT population in national studies, and for the development of services and resources to address the needs identified by the studies.

The *Healthy People 2010 Companion Document* must not be left on the bookshelf to collect dust. Its recommendations—including those affecting LGBT elders—must be incorporated as part of all health planning, prevention and treatment efforts nationwide. ■

Michael D. Shankle is a research specialist in the Department of Infectious Diseases and Microbiology at the University of Pittsburgh Graduate School of Public Health. He serves as chair of the LGBT Caucus of Public Health Workers. Contact Shankle at shankle@stophiv.pitt.edu.

Accessible Services

continued from page 3

to provide care for you?"

In addition, be mindful of the descriptive terms you use and pay close attention to the words clients use to describe themselves. If you are unsure about language that you fear will offend or cause discomfort to clients, ask them what words they consider appropriate.

Avoid Assumptions. It is natural to make assumptions about people we meet and interact with. Professionals should be alert to their own unconscious biases and avoid, as much as possible, making assumptions about people based on their actual or perceived sexual orientation and gender identity. Some common assumptions we may make unconsciously:

- Everyone is heterosexual (or everyone who is married or has children must be heterosexual).
- A person's gender identity necessarily matches his or her appearance.
- All gay men are at risk for HIV.
- Older people are in monogamous relationships or are celibate.
- LGBT people do not have children.

Be Aware of Physical Cues. Oftentimes LGBT elders indicate that it wasn't something a healthcare professional said that caused them to feel uncomfortable or disrespected; rather, it was the way the professional spoke or interacted with them. We suggest that professionals maintain a welcoming, nonjudgmental stance, be aware of their body language and make eye contact with clients. Healthcare professionals who make clients feel safe and comfortable clear the way for more effective communication.

Supply the Context for Personal or Sensitive Questions. This point is particularly important when conducting healthcare interviews and assessments that require questions about sexual history. Always explain why you need the information and assure clients that their responses will remain confidential.

To open lines of communication with LGBT older adults, it helps to keep

a few things in mind. Don't assume that clients who seem to be concealing their sexual orientation don't want you to know about it: Fear may be holding them back. If you treat clients with respect and let them know you value open communication, they are more likely to be open with you.

Sometimes it may be appropriate to share something about yourself, your interests or someone you know to communicate acceptance. For example: "My brother felt very lost when his partner of 25 years died." "There's a wonderful book about dealing with breast cancer by this great lesbian

Older adults from these communities made it clear that they felt excluded and underserved by many social services and healthcare agencies.

poet, Audre Lorde—another client found it helpful."

If elder clients come out to you, keep in mind that you might be the first person with whom they have discussed their sexual orientation or gender identity. An accepting attitude on your part will help make the experience positive rather than upsetting for clients.

If you believe all people regardless of sexual orientation or gender identity deserve quality healthcare and social services, make yourself an ally on the professional level. If services are not welcoming to LGBT elders, these elders may delay or forgo care, thus harming their health and well-being. By making the healthcare settings where you practice welcoming and responsive to LGBT elders, you will facilitate access and delivery of culturally competent healthcare to a community that urgently needs it. ■

Amy Davenport is project manager for Rainbow Train in Seattle. Visit the Rainbow Train website at www.rainbowtrain.org.

Network News

continued from page 1

and bisexual elders that they are unwelcome or should keep quiet about their lives. A realistic assessment of all aspects of a provider's practices—including office decor, language on intake forms and styles of communication—is vital.

The articles in this issue of *Healthcare and Aging* can help providers understand the needs of lesbian, gay and bisexual older adults and the importance of targeted care for these elders. Contributors Amy Davenport and Antony Smith suggest practical, low-cost approaches to developing cultural competence in healthcare services.

We are grateful for the assistance of ASA's Lesbian and Gay Aging Issues Network (LGAIN). A number of the articles in this issue of the HAN newsletter first appeared in *OutWord*, the LGAIN newsletter. Readers can learn more about LGAIN by visiting the network's home page at www.asaging.org/lgain, where they also will find a list of recommended resources and an extensive annotated guide to websites dealing with lesbian, gay, bisexual and transgender aging.

This issue of *Healthcare and Aging* opens the door to a subject as yet little examined by most in the healthcare field. We hope to run further articles on lesbian, gay and bisexual elders in future issues—and to expand our discussion to look in detail at the healthcare concerns of transgender and intersex older adults.

The Leadership Council and editorial board welcome comments from the members of HAN. We are particularly eager to hear about members' efforts to foster cultural competence among healthcare providers who work with older adults. (For information on ASA's programs in this area, visit www.asaging.org; click on "Diversity Initiatives.") ■

HAN Leadership Council cochair Lynne Anker-Unnever is deputy director of the New Mexico State Agency on Aging, Santa Fe. Contact her at lynne.anker-unnever@state.nm.us.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

COMMISSIONERS

Malcolm Heinicke
Chair

Alicia Becerril
Vice-Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

March 27, 2003

Acting Chief Alex Fagan, Sr.
San Francisco Police Department
Hall of Justice
850 Bryant Street
San Francisco, CA 94103

Dear Chief Fagan:

The San Francisco Human Rights Commission is writing to offer assistance regarding recent disputes between community organizations and protestors and the Police Department. We would like to discuss with you a proposal that the Police Department develop protocols designed to de-escalate potentially explosive public demonstrations and anti-war protests. The Commission is informed that the Department currently has no community relations board or designated officers whose responsibility it is to act as liaisons to demonstration organizers. The clear advantage of having such a board and/or liaisons is that they can help de-escalate situations before demonstrators and police officers clash in the streets of our City with potentially tragic results. Two recent incidents illustrate the problem.

On Thursday, February 6, 2003, approximately 50 members of the protest group Gay Shame demonstrated at a fundraising event at the Lesbian Gay Bisexual Transgender Community Center hosted by Supervisor Gavin Newsom and Assistant District Attorney Kimberly Guilfoyle-Newsom. According to Executive Director Brian Cheu, the LGBT Center notified the Department that Gay Shame demonstrators planned to protest the event. Apparently, the Department then informed the Newsom for Mayor campaign that its officers would be present as well. Accounts of what transpired next conflict but it is known that some demonstrators and officers clashed and that four people were arrested. Moreover, several individuals were injured including a Center staff member.

On February 16, 2003, an anti-war protest with some 250,000 marchers also resulted in an unknown number of injuries and approximately 40 people being arrested. Some of those arrested now face felony charges.

At both of these events, there was no on-site police officer designated to act as liaison between demonstrators and the police officers. Clearly the



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



Department must respond if some demonstrators and anti-war protestors elect to engage in violence or the destroy property. However, the Commission is concerned that clashes are more likely to occur in the absence of on-site trained liaisons and community relations board members. Liaisons can help facilitate communication between police officers keeping the peace on the one hand and demonstrators exercising their First Amendment rights of assembly and speech on the other.

The Commission is mindful of the current fiscal constraints on the Department's budget. However, community leaders, activists, and concerned citizens correctly observe that the current geo-political tensions that recently sparked significant anti-war demonstrations here in San Francisco are expected to continue in the near term. The Commission therefore urges the Department to designate specific officers to perform this critical liaison role during the current political climate.

The Commission invites you and/or other Police Department staff to attend the monthly meeting of the Commission's Lesbian Gay Bisexual Transgender Advisory Committee on Tuesday, April 15, at 5:30 p.m. at our offices at 25 Van Ness Avenue, Suite 800. Should you agree to attend, we will also invite representatives of community groups in order to provide a forum for discussing the liaison proposal and other relevant issues. If you would like, Commissioners and staff are available to meet with you before April 15 to discuss these issues. Please feel free to contact staff member Larry Brinkin at 252-2510 for further information.

Thank you for your consideration.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Minutes

**Regular Meeting
Thursday, March 27, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DOCUMENTS DEPT.

APR 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

1. CALL TO ORDER AND ROLL CALL

Commission Chair Heinicke called the meeting to order at 4:39 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*
Khaldoun Baghdadi
Haig Baghdassarian (arr. 4:48 pm)
Shirley Dimapilis
Wilfred W. Hsu
Larry Lee
Johnnie Rollins (arr. 4:51 pm)
Theresa Sparks
Charles Ward

Commissioners Excused

Alicia Becerril, *Vice Chair*
Martha Knutzen

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin, Emil DeGuzman, Selormey Dzikunu, James Fields, Cynthia Goldstein, Veronica Ng, Diana Rathbone, Sophia Simpliciano and Nichole Truax

Guests Present

Johnnie Robinson, Mhenaz Saiyed

A quorum was present.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Chair Heinicke noted that the General Communications file included an article on Commissioner Sparks in the San Francisco Chronicle regarding the Assembly "Woman of the Year" Award that she received. Chair Heinicke congratulated Commissioner Sparks on her achievement. Commissioner Sparks thanked Chair Heinicke and thanked Assemblyman Mark Leno for her nomination.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

4. REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Commissioner Dimapilis stated that she attended the Asian Art Museum reception on opening day which was also the Mayor's birthday. Commissioner Dimapilis also spoke with Ed Lee, Director of Purchasing regarding our pending legislation.

Announcement of member appointments to HRC Committees for 2003-2004 program year

Chair Heinicke recited the Commissioner appointments to HRC standing Committees as well as new committee members (see attachments to agenda).

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

5. REPORT OF THE DIRECTOR

Acting Director Frank Anderson

Update on most recent backlash Working Group Meeting with the San Francisco Police Department (Truax)

Nichole Truax (HRC Staff), stated that on March 14 the Backlash working group met with representatives from the San Francisco Police Department (SFPD) to discuss the use of City resources with respect to the Patriot Act, a possible community relations person and the department's recruitment efforts.

Ms. Truax stated that the following took place at this meeting: Lt. Morris Tabac, Special Investigations Division, SFPD, stated that the Patriot Act does not impact SFPD at all. Members of the working group asked if the department would adhere to a second Patriot Act that it is in the works. Lt. Tabac stated that the department would not comply with any subsequent Patriot Acts because San Francisco is a City of Refuge. Captain John Erlich, Recruiting Department, SFPD, stated that because of the current budget crisis, the department is not actively recruiting new officers. He added that there may be new opportunities in the Cadet and Reserve programs. Community members stated that it would be a good idea if the SFPD would advertise employment opportunities with Muslim and Arab organizations. Capt. Erlich stated that all members of the SFPD would go through racial profiling training and many officers have already undergone this training. The training consists of role playing, discussions about different cultures, as well as past mistakes that the department has made. Members asked who was in charge of the training and Capt. Erlich stated that GOMAC (Grass Roots Organizers from the Muslim and Arab Community) is assisting the police academy with these trainings. Former Commission Chair Ghada Saliba-Malouf requested that SFPD contact the Arab Cultural Center to assist with the trainings as well because they also provide excellent cultural sensitivity trainings. Capt. Erlich stated that he was interested in working with the community and added that he was seeking opportunities to speak with Arab and Muslim organizations.

The SFPD also passed out informative packets to the Backlash group, which were included in Commission packets. Additionally, Ms. Truax stated that on the 19th, she received a Press Release from SFPD stating that it would take a zero-tolerance position with respect to any hate based incident or crime committed in San Francisco.

Update on upcoming Environmental Racism Workshop dates and topics (Rathbone)

Diana Rathbone (HRC Staff), stated that group held a planning meeting which desired to hold community core group meetings on a monthly basis as opposed to weekly, so the Environmental Racism Workshops will take place in April, May, June, July, and August. Each will take place on the third Wednesday on each month. The exception will be the April 26th meeting, which will be held on a Saturday. This particular meeting will be combined with Earth Day celebrations, which take place on the same day in the Bay View/Hunters Point community. Ms. Rathbone identified Morris Campbell from the Community First Coalition as the point person for this workshop and will be assisted by

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

Linda Richardson, Lynn Brown (Community for a Better Environment) and Karen Pierce from the Department of Public Health.

Chair Heinicke asked when the HRC foresees these workshops culminating into a Commission meeting, perhaps one that could take place in the Bay View/Hunters Point community. Ms. Rathbone stated that the HRC could present a final report, including findings from each workshop in early September/October.

Possible approval of letter to Housing Authority to inform of HRC Environmental Racism Workshops

Ms. Rathbone introduced the letter to Gregg Fortner, SF Housing Authority, informing of our plans to hold these workshops and asking him for his cooperation and involvement.

Commissioner Lee requested that this letter also be sent to the Housing Authority Commissioners.

With the above inclusions, the letter to Housing Authority to inform of HRC Environmental Racism Workshops was moved (Lee), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	9	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Hsu, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	2	Becerril, Knutzen

6. HRC DIVISION REPORT

NEHPA Division

Hate Violence in the Community: An Update (DeGuzman)

Acting Director Frank Anderson introduced Emil DeGuzman (HRC Staff), to provide the Commissioners with a report on the HRCs efforts in trying to reduce hate violence in our communities. Mr. DeGuzman reported on a hate crime presentation that was sponsored by the East Bay Community Foundation in Oakland on February 20th. In attendance were 100 representatives from non-profit and community based organizations throughout the Bay Area, including students from Newark High School who spoke about a play that they sponsored called the Laremy Project.

The topics of the February 20th event included racism, hate crime and violence against minority populations in this country. Additionally, xenophobia against the immigrating population, especially those of Muslim, Arab, or South Asian descent was discussed. Several videos produced by a working group were screened, including one covering events of 1995 in Billings, Montana where Nazi skinheads were attacking people of color. The community mobilized to fight these hate crimes, which was captured in this video, and ultimately led to the arrest and conviction of those who perpetrated these crimes.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

Another video entitled Not in Our Town #2, which was produced by the same working group and highlighted other towns that Kokomo Indiana, Columbus Ohio, Bloomington Indiana, and Contra Costa County in the Bay Area who organized to bring diverse communities together to confront hate violence. The Issues Committee of the HRC will be showing Not in Our Town #1 at its regular meeting Wednesday, April 9, 5:30 p.m. at the HRC main Offices. Mr. DeGuzman invited all of the Commissioners to this viewing.

* * *

Chair Heinicke stated that he left two things out of his report of the Chair. First, he noted that the HRC received a request from the Alice B. Toklas Club to investigate some campaign phone calls that took place in the District 8 Supervisorial race in the runoff between Eileen Hansen and Bevan Dufty. These calls were purported to be from someone named "Warren," urging people to vote for Mr. Dufty because the Mayor said so, but these calls were racially insensitive. No one to date has taken credit or shame for these calls, but the Commission will be taking a look at this issue to see how best to investigate this matter.

Commissioner Sparks added that there exists two elements to this issue. The first is the campaign ethics and the second is racism. There is no identification as to who paid for these phone calls which a clear violation of campaign ethics law and that issue is being referred to the Ethics Commission. The racism piece will be referred to the HRC and this will be investigated from two different aspects.

Chair Heinicke updated the Commission on a project that he and Cynthia Goldstein (HRC Staff), have been working on, which is a pamphlet that will be distributed by the County Clerk's Office to Domestic Partners when they register in the City. This pamphlet will provide several pieces of information including family planning, which came out a discussion in May that the HRC had with an agency that assists gay couples in family planning. The pamphlet has been forwarded to the Commissioners Knutzen and Sparks to review at LGBTAC, and then will be presented to the full Commission.

7. COMMITTEE REPORTS

Issues Committee

Commissioner Rollins reported on the March 12 meeting, where the Committee introduced four new members and welcomed returning members. A report from Racial Profiling Task Group provided a brief update regarding the ACLU report that cited the police commission would not make any changes about their consenting searches. The Committee invited Mark Scholsberg with the ACLU to briefly present on the son of the Patriot Act entitled *Domestic Security Enforcement Act*. The Issues committee will continue to look at this and issue a statement before a congressional vote on this item. Staff member Carmen Herrera would be attending the National Fair Housing Convention in the month of April and will provide an update. Additionally, there was discussion about planning and what issues the Committee could take on in the future, which included violence against Arab-Americans, budget cuts on civil rights programs, domestic violence, welfare, civil liberties, data

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

collection, environmental racism, housing, INS, Patriot Acts, police department profiling, and quality of life issues.

Lesbian Gay Bisexual Transgender Advisory Committee

Approval of report on the public hearing: Aging in the LGBT Communities

Larry Brinkin (HRC Staff), stated that this Aging Report was from the HRCs public hearing on October 10, 2002. The hearing was approximately four hours long, and included a lot of great testimony from experts, people in the community, organizations and city departments, regarding older people in the LGBT community. This year, the HRC did not have any money to hire consultants to create this report, but the draft is before the Commission for approval. After HRC approval, the report will be forwarded to the Commission on Aging and Adult Services for their approval, as this is a joint effort. Mr. Brinkin thanked HRC staff in the LGBT-HIV division, and intern Jeff Eaton, for their hard work in putting this report together.

Commissioner Sparks noted that this report will not be the end of the HRCs work on this issue. The report and its findings will be sent out to appropriate agencies and action will be requested by the Commission. Commissioner Sparks stated that the LGBTAC will continue to update the Commission as they move forward.

Chair Heinicke noted that the report was very well done, but contained many findings and seemed ambitious. Commissioner Sparks responded, stating that this report and its findings will support any motions on a local, state, or federal level. Commissioner Sparks added that many other agencies look to the San Francisco HRC as a leader in these efforts and many of these recommendations, although ambitious, may not be so ambitious elsewhere. Mr. Brinkin added that many of these recommendations are not only true needs of simply the LGBT senior community, but the senior community as a whole. In that, this report is issued with parallel needs of both communities, but with LGBT senior community defined.

Commissioner Baghdassarian asked in the findings could be organized in a way that it didn't seem so overwhelming.

With the above recommendations, the approval of the report on the public hearing: Aging in the LGBT Communities was moved (Dimapilis), seconded (Baghdassarian), and CARRIED by the following vote:

Ayes	9	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Hsu, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	2	Becerril, Knutzen

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
MARCH 27, 2003

Approval of letter to the San Francisco Police Department Encouraging the Designation of a Liaison to Political Demonstrations

Mr. Brinkin stated that the HRC received a request from the Harvey Milk, LGBT Democratic Club to write a letter to the SFPD requesting they appoint special liaisons between the community and the police department in response to political demonstrations that have been occurring in our city since the war began. The idea is to name an officer or officers who the community could identify and work with regarding political/public demonstrations. Additionally, the Committee has requested that the HRC be involved in the mediation of disputed that have occurred from these demonstrations on a limited basis.

Commissioner Sparks provided some context to this request. She stated that historically, when community groups organized and conducted demonstrations, they contacted pre-designated individuals in advance to work out details of routes, street closures, et cetera. From those meetings and that type of communication, these demonstrations generally go a lot smoother. This letter is presented to create a similar communication between the SFPD and war demonstrators in order to diminish some of the hostilities that are occurring.

Mr. Brinkin provided the Commission with a new, revised version of this letter for possible Commission approval. This revised letter (see Appendix 1) did not include two paragraphs of details of past mistakes, and focused on the need for appointing a liaison.

Commissioner Ward asked if this letter could be also be sent to the Chair of the Police Commission. Chair Heinicke agreed.

With the above recommendations, the approval of the letter to the San Francisco Police Department Encouraging the Designation of a Liaison to Political Demonstrations was moved (Lee), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	9	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Hsu, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	2	Becerril, Knutzen

8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

Acting Director Frank Anderson noted that Deputy City Attorney Cathy Barnes would be scheduling the Commission Sunshine Ordinance training in the near future. Chair Heinicke reminded all Commissioners that SEI Form 700's were due to the Commission Secretary by the close of business, April 1st.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:39 p.m.

** NOTE: If you are viewing these minutes in electronic form – Appendices referenced herein may not be attached in electronic form. You may request paper copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, April 10, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

APR - 7 2003

SAN FRANCISCO
PUBLIC LIBRARY

HRC CALENDAR: April 2003

April 01

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

April 03

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 08

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

April 09

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 10

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

April 15

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 16

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 17

"How to Use Your Certification"

Workshop-Port of San Francisco

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

April 17

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

April 24

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

**To find out more about any meeting on
this calendar, please contact our office
at 415-252-2500 or visit our website at
www.sfhrc.org**

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Presentation of resolution honoring the life of Mary Dunlap (approved at 02-18-03 LGBTAC Meeting) (Knutzen)
[☉Discussion Item *Attachment provided*]
- b. Individual Commissioner Reports on Community Activities
[☉Discussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for March (Kanios)
[☉Discussion Item *Attachment provided*]
- b. Update on upcoming Environmental Racism Workshop dates
[☉Discussion Item *Attachment provided*]
- c. Commissioner appointment of Marcus Arana to a joint committee with the Youth Commission to produce a list of LGBT sensitivity trainers for City contractors who work with youth (Brinkin)
[☞Action Item *Attachment provided*]

6. APRIL: FAIR HOUSING MONTH REPORT ON FAIR HOUSING AND REASONABLE ACCOMODATION FOR PEOPLE WITH DISABILITY (ILUMIN)

[☉Discussion Item *Attachment to be provided at meeting*]

7. UPDATE ON RE-AUTHORIZATION OF CHAPTER 12.D.A. (BARNES)

[☉Discussion Item *Explanatory Document: Amended Chapter 12.D. Ordinance. This 70+ page document is available for public inspection and copying at the HRC Main Office at 25 Van Ness, #800, SF, CA 94102, during normal office hours.*]

8. HRC DIVISION REPORT

M/W/LBE Division:

- a. Presentation on Airport Contract 5703.A: Airtrain (Fields)
[©Discussion Item *Attachment to be provided at meeting*]

9. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Report of March 18, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. MBW/WBE/LBE Advisory Committee

Commissioner Shirley Dimapilis, Chair

Commissioner Charles Ward, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of March 19, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

c. Youth & Education Committee

Commissioner Shirley Dimapilis, Chair

Commissioner Johnnie Rollins, Vice-Chair

Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

- i. Report of March 20, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.com. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



Human Rights Commission Resolution

HONORING THE LIFE OF MARY DUNLAP

WHEREAS, Mary Dunlap was a tireless and tenacious advocate for justice for all people; and

WHEREAS, Mary Dunlap was a pioneer and role model at a time when women and lesbians were entering the legal profession for the first time in significant numbers, inspiring them to work for social change for themselves and others; and

WHEREAS, Mary Dunlap used her vast legal talents and boundless energy to advance the status of women, co-founding Equal Rights Advocates, a public interest law firm that works on behalf of women subjected to sex discrimination, and

WHEREAS, Mary Dunlap worked on many pivotal civil rights lawsuits, including one that successfully overturned the practice of denying women and people of color the right to serve as firefighters in San Francisco; and,

WHEREAS, Mary Dunlap twice argued before the U.S. Supreme Court, on behalf of women forced to take maternity leave earlier than they wanted to and on behalf of the lesbian gay bisexual and transgender community when the U.S. Olympic Committee sought to bar the use of the phrase "Gay Olympics"; and

WHEREAS, Mary Dunlap served as the Executive Director of the San Francisco Office of Citizen Complaints for over six years, working with great commitment and integrity to address allegations of police misconduct and significantly enhance the reputation of the agency; and

WHEREAS, while Director of the Office of Citizen Complaints, Mary Dunlap worked diligently to address allegations of police harassment raised by members of the transgender community and to help build bridges between the transgender community and the police department; and

WHEREAS, Mary Dunlap expressed herself as an artist and writer; and

WHEREAS, Mary Dunlap was the loving and devoted partner of Maureen Mason for 18 years; and

WHEREAS, Mary Dunlap was diagnosed with pancreatic cancer in September 2001 and shared her experience with cancer openly, using a website to publicly communicate her battles, joys, fears and appreciations;

NOW THEREFORE BE IT RESOLVED, that the City and County of San Francisco Human Rights Commission expresses its appreciation for the life and work of Mary Dunlap, and for her decades of commitment to achieving justice and equality for all people; and

BE IT FURTHER RESOLVED, that the Human Rights Commissioners and staff extend our heartfelt sympathies to Maureen Mason, and to the rest of Mary Dunlap's family and friends who are mourning her loss.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 27th day of February, Two thousand and three.

A handwritten signature in dark ink, appearing to read "Malcolm A. Heinicke".

Malcolm A. Heinicke
Chair of the San Francisco Human Rights Commission





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

April 10, 2003

**San Francisco Administrative Code Chapters
12B, 12C and 12D.A Sole Source Waiver Report**

**This report contains the full list of sole source waiver requests
submitted to the HRC by City departments for the month of March.**

No. 1 SOLE SOURCE Department of Public Health requested a waiver for John S. Evans to continue to provide dental services for Laguna Honda Hospital's geriatric patients on an as needed basis.

Granted: This was the only interested provider willing and able to respond to the terms of this contract.

No. 2 SOLE SOURCE Airport Commission requested a waiver for Fat Box, Inc. to provide updates and revisions of a training video currently in use.

Granted: This firm produced the video and therefore has proprietary rights to its content.

No. 3 SOLE SOURCE Department of the Environment requested a waiver for San Francisco Conservation Corps to place 3 interns with this department.

Granted: This is the only nonprofit, local agency that places interns with education and experience in environmental issues with government agencies, provides on-going training and updates interns with career leads. The City will avoid overhead costs by not using a subcontractor.

No. 4 SOLE SOURCE Airport Commission requested a waiver for HNTB Corporation to continue to provide services for its runway reconfiguration program- the Forecast Data Management contract.

Granted: HNTB was the prime consultant for this program and retains proprietary rights to its econometric model to forecast the anticipated demand for air passenger and air cargo services at SFO. They will continue to manage the forecast program and provide updates.

No. 5 SOLE SOURCE Reproduction and Mail Services requested a waiver for Ascom Hasler Mailing System to provide high volume potage meters.

(over)



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org



Granted: The authorized vendor, International Mailing and Equipment is compliant, but the manufacturer, Ascom Hasler is not. The postage meters must be rented directly from the manufacturer. However, the actual postage must be processed through the vendor company and not a third party.

No. 6 SOLE SOURCE Department of Public Health requested a waiver for San Francisco State University (SFSU) to continue to provide services through its Clinical Quality Improvement, Asthma Coordinator Services and Interventions program administered by SFSU Community Health Works program.

Granted: SFSU is the listed organization of this State funded program. This program provides services to improve the quality of life and health status of children with asthma 0-4 years of age.



ENVIRONMENTAL RACISM IN THE BVHP

Workshop Structure as of 04 April 2003

Topics to be addresses at the Environmental Racism in the BVHP Workshops will occur in the following order:

I. Energy: Energy Efficiency and Energy Conservation

Saturday, April 26th

Southeast Community Facility Commission

10:00 a.m. to 1:00 p.m.

II. Health

Wednesday, May 21st

Southeast Community Facility Commission

*1:00 p.m. to 5:00 p.m.

III. Naval Shipyard

Wednesday, June 18th

Southeast Community Facility Commission

9:00 a.m. to 1:00 p.m.

IV. Southeast Water Pollution Control Plant

Wednesday, July 16th

Southeast Community Facility Commission

9:00 a.m. to 1:00 p.m.

V. Industrial Dumping

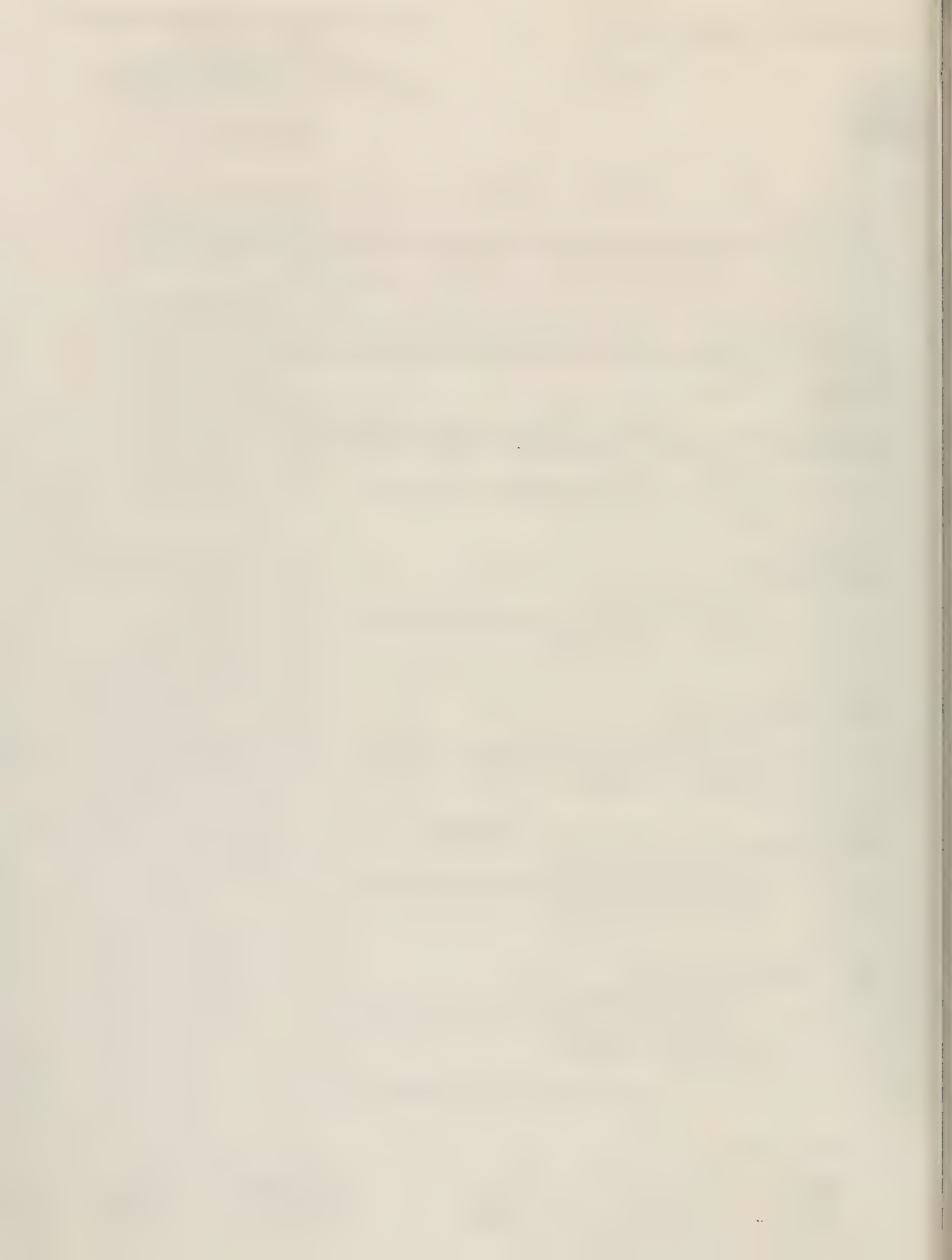
Wednesday, August 10th

Southeast Community Facility Commission

9:00 a.m. to 1:00 p.m.

** Scheduled time must be confirmed by facility*





LEGISLATIVE DIGEST
March 18, 1999

FILE NO _____

SENSITIVITY TRAINING REQUIREMENT FOR PROVIDERS OF YOUTH SERVICES AND CITY EMPLOYEES (LGBTQQ Youth Task Force)

ADDING CHAPTER XIIN TO REQUIRE THAT ALL CONTRACTS BETWEEN THE CITY AND ORGANIZATIONS ENGAGED IN PROVIDING YOUTH SERVICES CONTAIN A REQUIREMENT THAT SUCH ORGANIZATION PROVIDE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING FOR ANY EMPLOYEE OR VOLUNTEER WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY EFFECTS YOUTH, AND THAT ANY CITY EMPLOYEE WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY EFFECTS YOUTH UNDERGO LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING.

This is a new contract requirement for City contractors engaged in youth services to provide sensitivity training for employees or volunteers and new sensitivity training requirement for City employees who have direct contact or whose work directly effects youth.

BACKGROUND:

This requirement was recommended by the 1997 Human Rights Commission's Report entitled "Investigation into the Needs of Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth". The report summarized a number of findings and recommendations made by the Human Rights Commission resulting from a Public Hearing on Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth held on September 26, 1996. The requirement that persons engaged in providing youth services undergo sensitivity training regarding lesbian, gay, bisexual, and transgender issues was one of the recommendations included in the report.

[Sensitivity Training Requirement for Providers of Youth Services and City Employees]
AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE
CODE) BY ADDING CHAPTER 12N, SECTION 12N.1 THROUGH SECTION 12N.4,
THERETO TO REQUIRE THAT ALL CONTRACTS BETWEEN THE CITY AND
ORGANIZATIONS THAT ENGAGE IN YOUTH SERVICES CONTAIN A REQUIREMENT
THAT SUCH ORGANIZATION PROVIDE LESBIAN, GAY, BISEXUAL, AND
TRANSGENDER SENSITIVITY TRAINING FOR ANY EMPLOYEE OR VOLUNTEER WHO
HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY AFFECTS YOUTH,
AND THAT ANY CITY EMPLOYEE WHO HAS DIRECT CONTACT WITH YOUTH OR
WHOSE WORK DIRECTLY AFFECTS YOUTH UNDERGO LESBIAN, GAY, BISEXUAL,
AND TRANSGENDER SENSITIVITY TRAINING.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. **Findings.** The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. In May, 1998, the City and County of San Francisco created the Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth Task Force to recommend to the Board of Supervisors the adoption of legislation to ensure the full implementation of the 1996 San Francisco Human Rights Commission's recommendations regarding the needs of Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth.

B. There are a number of issues confronting Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth including higher rates of homelessness, parental rejection, low self-esteem, verbal and/or physical harassment and assault, suicide, and lack of access to health care and HIV education, and suicide prevention which impact these youth at far higher rates than other youth populations.

SUPERVISORS AMMIANO, LENO, KATZ, bierman, teng
BOARD OF SUPERVISORS

Page 1
6/3/99

C. There are numerous hate crimes committed against persons based solely on their lesbian, gay, bisexual, or transgender status both nationwide and within the City and County of San Francisco. Numerous studies have indicated that if a person is "sensitized" or knows other lesbian, gay, bisexual, or transgender persons, there is a marked decrease in his or her propensity to commit such hate crimes.

D. City employees and youth-serving organizations' employees and volunteers who have direct contact with youth or whose work directly affects lesbian, gay, bisexual, and transgender youth often have little or no training regarding this community's specific issues and needs.

E. A requirement that City employees and youth-serving organizations' employees and volunteers undergo lesbian, gay, bisexual and transgender sensitivity training may result in overall improvements in the system of care to this community.

Section 2. Part I of the San Francisco Municipal Code (Administrative Code) is hereby amended by adding Chapter 12N, Sections 12N.1 through Section 12N.4, to read as follows:

Section 12N.1. **Definitions.** As used in this Chapter the following words and phrases shall have the meanings indicated herein:

(a) "City" shall mean the City and County of San Francisco.

(b) "Contract" shall mean an agreement (however titled including, without limitation, a memorandum of understanding) to grant or otherwise provide funds to an organization for youth services, including funds from another governmental entity administered through the City or any City commission, board, agency or department. "Contract" shall not include (1) an agreement to provide goods to the City pursuant to bids or requests for proposals, where the City is the end user of the goods or (2) an agreement to provide services or benefits to City employees and/or to their family members, dependents, or their other designated beneficiaries.

(c) "Organization" shall mean any corporation formed under California law for any private, public or charitable purpose, or any collaborative, which receives a cumulative total per year of at least \$50,000 in City-provided or City-administered funds.

(d) "Sensitivity Training" shall mean any program provided from a list of providers whose programs have been reviewed and approved by a joint Human Rights Commission and Youth Commission committee and shall include, but is not limited to, training regarding issues faced by disabled, HIV positive, immigrant, persons of color, sexually abused, runaways from non-accepting households, and homeless lesbian, gay, bisexual, transgender, queer, and questioning youth.

(e) "Youth Services" shall mean child care, including after school care, job readiness, training and placement, health, including mental health and substance abuse, social services, homeless prevention, housing or shelter programs or services, education, recreation, delinquency prevention, and library services programs directed at or designed to serve children or youth between the ages of ten and eighteen years old, or older as defined by the organization.

Section 12N.2. Contract Language Requiring Youth Service Providers To Provide Lesbian, Gay, Bisexual, And Transgender Sensitivity Training For Any Employee Or Volunteer Who Has Direct Contact With Youth Or Whose Work Directly Affects Youth.

(a) Each contracting agency of the City or any department thereof, acting for or on behalf of the City, shall include in every solicitation for youth services under the competitive contractor selection process, provisions requiring any organization submitting such a proposal or request to provide lesbian, gay, bisexual, and transgender sensitivity training for any employee or volunteer who has direct contact with youth, or whose work directly affects youth, as part of its proposal or request.

(b) Each contracting agency of the City or any department thereof, acting for or on

behalf of the City, shall include in all contracts between it and any organization that is subject to this Chapter a provision requiring lesbian, gay, bisexual, and transgender sensitivity training for any employee or volunteer who has direct contact with youth or whose work directly affects youth. The contract shall require the organization to conduct such a training on an annual basis, unless the contracting agency of the City or any department thereof requires more frequent trainings. The contract shall require the organization to provide documentation certifying to its Board of Directors and the City agency or department administering the contract that such a training was conducted and the requirements of the training were fulfilled on an annual basis.

(c) In furtherance of the purposes of this Chapter, the Controller, in consultation with the City Attorney, shall create the provisions described in subsections (a) and (b), above, consistent with the provisions of this Chapter.

(d) Each City department or agency administering contracts with organizations providing youth services shall provide copies of the documentation certifying that such trainings were conducted, as required in Chapter 12N of the San Francisco Administrative Code, to the Commission, if any, that oversees the sponsoring department or agency and the San Francisco Youth Commission.

(e) Failure to comply with any provision required by this Chapter shall constitute a material breach of the contract, and may be grounds for termination of the contract. Every City agency or department must report all contract breaches to the Human Rights Commission at their next regularly scheduled meeting.

Section 12N.3. Requirement That City Departments Provide Lesbian, Gay, Bisexual, And Transgender Sensitivity Training For Any City Employee Who Has Direct Contact With Youth Or Whose Work Directly Affects Youth.

Each City department shall provide lesbian, gay, bisexual, and transgender sensitivity

training for any employee who has direct contact with youth or whose work directly affects youth.

Section. 12N.4. **Effective date.** This Chapter shall not apply to any contract for which a solicitation was issued 90 days following the effective date of this Chapter. This Chapter shall apply to all contracts for which a solicitation was issued more than 90 days following the effective date of this Chapter.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By:

John I. Kennedy
Deputy City Attorney

Workshop Registration

Registration is limited. Please register early.

Organization Name

Address

City/State/Zip

Phone/Fax/Email

Attendee Name & Title (attach additional names)

Individuals at \$45 each = \$

Total Amount Enclosed = \$

Complete, detach and mail this registration form with a check made out to ALRP. We must receive registration via mail or fax by April 18, 2003. There are no refunds on registration via mail or fax. Please call (415) 701-1200, ext. 308 with registration questions.

Mail registration to:

ALRP
1663 Mission St, Ste 500
San Francisco, CA 94103

ALRP wants to ensure that this workshop is accessible to all attendees. If you have a disability or special need that may require auxiliary aid, please call Bill at (415) 701-1200, ext. 308 at least 14 days prior to the workshop so that we may make any arrangements necessary to accommodate you

ALRP Presents

Fair Housing and Reasonable Accommodations for People with Disabilities

Friday, April 25, 2003

Co-sponsored by:

Mayor's Office on Disability

San Francisco Human Rights Commission

Non-Profit Housing Association of Northern California (NPH)

Bar Association of San Francisco

Mental Health Association of San Francisco

MCLE Credit Available for Attorneys

Fair Housing and Reasonable Accommodations for People with Disabilities

Friday, April 25, 2003
9:15a.m. - 3:30p.m.
Registration 8:45

4.5 MCLE Credits Available for Attorneys

Fees
\$45 per person
Fees include extensive handbook and lunch.
Scholarships available. Please call Bill at (415) 701-1200, ext. 308 for more details.

Locations and Directions
The State Building
455 Golden Gate @ Polk
Lower level, Training rooms 1, 2, 3

BART and MUNI
Exit Civic Center Station at Hyde Street, and walk north on Hyde for three blocks to Golden Gate. Turn left on Golden Gate and walk two blocks to 455 Golden Gate. MUNI Lines: 5, 14, 19, 47, 49, F, J, K, L, M, N.

Training and Topics to be Covered

The training will include an overview of federal and state laws on fair housing and reasonable accommodation. Small group sessions will focus on how reasonable accommodations are supposed to work during the application process, tenancy, and during eviction proceedings. The group discussions will be led by trainers familiar with fair housing issues, and the discussions will be based on practical questions from the training participants.

- Sample questions may include:
- May I ask an applicant if s/he spent time in a treatment facility or hospital, or if s/he is presently in treatment?
 - How do I know if a person's bad tenancy history or criminal record is related to her/his disability?
 - How can I help a person who needs assistance through the application process but does not request it, without violating their rights?
 - What may I ask a tenant about their disability if they ask for a reasonable accommodation?

Training Agenda

8:45-9:15	Registration
9:15-9:30	Introductions
9:30-10:30	Legal Overview
10:30-10:45	Break
10:45-12:00	Small Group Session I: Application
12:00-1:00	Lunch (provided)
1:00-2:15	Small Group Session II: Occupancy/Eviction
2:15-2:30	Break
2:30-3:30	Conclusion

Who Should Attend

- Property and Resident Managers
- Housing Providers including Special Needs Housing
- Service Providers
- Legal Services
- Advocates for Tenants
- People with HIV/AIDS
- Consumers of Services
- Anyone else who regularly works with tenants or those with special needs

Trainers and Facilitators

Legal Overview:

Ann Levine, Esq., Staff Attorney with the Mental Health Advocacy Project

Fair Housing Discussion Facilitators:

- Angel Contreras, Esq.
- David Crow, Esq.
- Ed Ilumin
- Annette Kirkham, Esq.
- Ann Levine, Esq.
- Susan Mizner, Esq.
- Ellen Novogrodsky, Esq.
- Aleem Raja, Esq.
- Victoria Tedder



GOVERNMENT

sfgov | citizen | business | government | visitor | online services | search
go !

[Human Rights Commission](#) >> [Commission](#) >> [Meeting Information](#)



City and County of San Francisco
Human Rights Commission

April 10, 2003 Approved

Minutes

Regular Meeting

Thursday, April 10, 2003

DOCUMENTS DEPT.

NOV 12 2003

SAN FRANCISCO
PUBLIC LIBRARY

Approved 05-08-03

ROSTER OF COMMISSIONERS

Malcolm Heinicke, Chair

Alicia Becerril, Vice-Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, Director

Toni A. Delgado, Commission Secretary

CALL TO ORDER AND ROLL CALL

Acting Chair Knutzen called the meeting to order at 4:43 p.m.

Commissioners Present

Khaldoun Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Martha Knutzen (left 5:02 p.m.)

Larry Lee

Johnnie Rollins

Charles Ward

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Marcus Arana, Larry Brinkin, James Fields, Cynthia Goldstein, Ed Illumin, Diana Rathbone, and Nichole Truax

Guests Present

Deputy City Attorney Catherine Barnes, Jonnie Robinson, and Nan Su

A quorum was present.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Nan Su, Falun Gong

Mr. Su provided the Commission with a Falun Gong update. He asked the Commission to help rescue Dr. Charles Li, an American citizen and resident of Menlo Park, who has been detained in China since January 22nd. Dr. Li was charged with sabotage of Chinese state run satellite television, and on March 21, 2003, he was sentence to a three-year jail term. Dr. Li allegedly tried to distribute literature about Falun Gong and was jailed. Congressional leaders as well as most San Francisco Board of Supervisors have been supportive of this effort to release Dr. Li. Mr. Su asked for the support of the HRC. Acting Chair Knutzen asked Director Harmon to look review this issue to see if the HRC has any jurisdiction or if the HRC can help in any way. Director Harmon agreed.

REPORT OF THE CHAIR

a. Presentation of resolution honoring the life of Mary Dunlap

Acting Chair Knutzen stated that in attendance were Maureen Mason, life partner of Mary Dunlap, and Donna Medley from OCC. The HRC has adjourned a meeting

in Ms. Dunlap's honor and unanimously passed the resolution that is being presented at this meeting. Acting Chair Knutzen stated that Ms. Dunlap was a role model as an advocate, an attorney, and administrator at the OCC as well as an artist and writer. Acting Chair Knutzen and HRC Staffer Cynthia Goldstein presented the resolution to Maureen Mason who thanked the Commission for the kind words and this resolution. Ms. Mason hoped that everyone would step up just a little bit more and do more in Mary's name in the areas of civil and social justice and in this time of war and peace.

Marcus Arana (HRC Staff), stated that the HRC has been working with the San Francisco Police Department on Transgender Protocols for over a year. He stated that if it were not for the dedicated work of Mary Dunlap who took the lead on this issue—getting the OCC resolution passed and setting the tone for the Police Department—the HRC would not have had such success in this endeavor.

Cynthia Goldstein, stated that today, she put on her wall a drawing of a bird that Mary Dunlap did, because Ms. Dunlap has been an inspiration to her throughout her career and she wanted a visual reminder of Ms. Dunlap as she goes to work to meet the challenges of her day. Ms. Goldstein stated that there were many things that she learned from Ms. Dunlap, and shared two things with the Commission. First, she learned that it is not only possible but important to bring the personal into the political, that bringing yourself, your feeling and your emotions into the work you do is essential into achieving success and the other is that the word "no" is a complete sentence.

b. Individual Commissioner Reports on Community Activities

Acting Chair Knutzen stated that the meeting that took place today with Heather Fong, Acting Chief Fagan, and Stephen Thorne was a success in making things better for transgender people and the way that they are handled by the police department. Acting Chair Knutzen states that the HRC will work with the police department to create general departmental orders that will include language on gender identity.

Acting Chair Knutzen departed and turned the meeting over Commissioner Larry Lee.

Commissioner Knutzen left the meeting at 5:02 p.m. The quorum was not affected.

Commission Dimapilis stated that she met with Supervisor Ma last Monday on behalf of her community and will continue to work with her.

Commission Baghdassarian reported on action taken by the Board of Supervisors a couple of days ago, passing a resolution designating April 24th as Genocide Commemoration Day. This year, Supervisor Peskin introduced a resolution calling upon Congressman Lantos to advocate for Armenian genocide recognition. April is the month when the Armenian communities throughout the world commemorate the Armenian genocide of 1915. Additionally, a BBC produced film entitled The Betrayed will be screened on the 19th of April at 6:30 p.m. at Koret Auditorium in the San Francisco Main Library. Commissioner Baghdassarian invited all to attend.

Acting Chair Lee welcomed Director Harmon back from her maternity leave. Director Harmon stated that she is back at work and made herself available to all of the Commissioners to discuss any issues. Director Harmon also thanked Deputy City Attorney Catherine Barnes for her support while she had been out on leave.

REPORT OF THE DIRECTORa. Presentation of Chapter 12.D.A. Waiver Report for March

James Fields (HRC Staff), presented the 12.D.A. Waiver report for March. Commissioner Ward asked about Sole Source Item 2 and asked what the conditions were for the original contract. Mr. Fields stated that he would research that item and provide more information as soon as possible.

b. Update on upcoming Environmental Racism Workshop dates

Diana Rathbone (HRC Staff), presented to the Commission a list of dates, times, and topics of future workshops to be held in the Bay View/Hunters Point area. Ms. Rathbone stated that flyers will be mailed and e-mailed out the community and the HRC are hoping for a good turnout.

c. Commissioner appointment of Marcus Arana to a joint committee with the Youth

Commission to produce a list of LGBT sensitivity trainers for City contractors who work with youth

Larry Brinkin (HRC Staff), stated that in 1999 there was a LGBT Youth Task Force that the Board of Supervisors created to look at implementing the Human Rights Commission's recommendations from a public hearing that the HRC had done on the subject. One of the recommendations from that hearing was to provide training to City contractors who work with youth. The Board passed a resolution to create a joint committee to produce a list of trainers for this endeavor. The work went forward on this issue, but a joint committee was never formalized, so Mr. Brinkin now asked the Commission for their formal appointment of Marcus Arana (HRC Staff) to this joint committee.

The appointment of Marcus Arana to a joint committee with the Youth Commission to produce a list of LGBT sensitivity trainers for City contractors who work with youth was moved (Dimapilis), seconded (Lee), and CARRIED by the following vote:

Ayes	6	Baghdadi, Baghdassarian, Dimapilis, Lee, Rollins, Sparks
Noes	0	
Absent	5	Becerril, Heinicke, Hsu, Knutzen, Sparks

APRIL: FAIR HOUSING MONTH

Report on Equal Housing Opportunity: 35th Anniversary of the Fair Housing Act

Report on Fair Housing and Reasonable Accommodation for People with Disabilities

Ed Ilumin (HRC Staff), stated that April 2003 marks that 35th anniversary of a 1968 civil rights act, commonly known as the Federal Fair Housing Act. One of the activities that the HRC is involved with is the fair housing and reasonable accommodations access for people with disabilities training workshop which will be held April 25th at the State Building. The HRC is working with the AIDS Legal Referral Panel, the Mayor's

Office on Disability, the non-profit housing assoc of Northern California and the BAR Association of San Francisco. Mr. Ilumin stated that San Francisco should stay vigilant on housing discrimination, public accommodation discrimination, and hate crime violations. In that, the HRC will continue to be diligent in protecting and enforcing these issues. Mr. Ilumin reported that he asked the Regional Commissioner of Housing and Urban Development (HUD) to present HUD's landmark decisions at the next Commission meeting.

UPDATE ON RE-AUTHORIZATION OF CHAPTER 12.D.A.

Deputy City Attorney Catherine Barnes provided the Commission with an update on the procedures of the re-authorization of Chapter 12.D.A. She stated that Supervisor Ma is sponsoring the legislation to re-authorize Chapter 12.D.A. This proposed legislation includes legally substantive changes of eliminating the set-aside program, which has not been used for many years, and the addition of general services contracts to the sub-contracting program. This legislation has been introduced in 'draft' form, which is unusual but legal. The reason for this is the City Attorney's and Mayor's Office is working to develop statistics to support the need for the program. Those statistics will not be completed until the beginning of next month and therefore the City Attorney's Office will not sign off on the legislation until there is the statistical basis to show its need. The legislation can go into Committee, but can't come out of Committee until the City Attorney approves it. This legislation has been assigned to the Rules Committee who next meets on April 23rd. Deputy City Attorney Catherine Barnes expects that it will be before the Board of Supervisor on May 13th, but it may be there a week earlier. If this schedule is held, there will be time to re-authorize the ordinance before the current ordinance expires.

Commissioner Ward asked Ms. Barnes which of the Commission's recommendations made it into the draft and which didn't. Ms. Barnes stated that she did not have a checklist on those items, but the ordinance did include authority for the HRC to adopt rules and regulations on particular subjects (i.e. City employee certification). The current status of thresholds is as they were in the original ordinance.

Commissioner Ward asked what the process has been since the HRC made its recommendations. Ms. Barnes stated that the sponsoring member of the Board of Supervisors submits whatever legislation they want and decides what format it be presented (draft, proposed, etc.). Commissioner Ward stated that either the Supervisor was presented with the Commission recommendations and rejected them, or she was not. Ms. Barnes stated Supervisor Ma received the HRC letter as well as many other letters from other groups, and felt that it is too strong to say that just because something is not included in this draft ordinance, it doesn't mean that other parties will not persuade the Rules Committee to amend the draft ordinance. She added that sometimes there are political reasons that allow decisions to be made in hearings rather than to put them in the ordinance before it is heard.

8. HRC Division report

Minority/Women/Local Business Enterprise (M/W/LBE) Division

a. Presentation on Airport Contract 5703.A: Airtrain

James Fields (HRC Staff), reported on the airport's new Airtrain system. Mr. Fields stated that the Airtrain project was re-bid in August of 1997 and the goals for the contract were a combined 10 percent MBE and WBE participation. Through change orders, the M/W/LBE goals were raised to 15-18 percent. Today the project is 98 percent complete with \$128 million spent. Mr. Fields

stated that a more complete presentation, including the MBE/WBE breakdown, will be presented to the Commission at the next meeting.

Victor Howe, Project Manager for Airtrain, has been with the project since inception. Mr. Howe provided the Commission with a description of the Airtrain system, stating that it is a one of a kind, totally automated transportation system to get around the airport and provide access to the rental car agencies. The Airtrain is built and operates above the BART system and consists of nine stations, five miles of track and two separate loops. The project took five and a half years to complete and is now fully operational.

9. committee reports

a. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

i. Report of March 18, 2003 Committee Meeting

Larry Brinkin (HRC Staff), stated that the Committee met on March 18. Commission Chair Heinicke was in attendance to introduce himself, talk about the work that he has done in the community and his goals as the Commission Chair. Chair Heinicke invited questions and gave words of encouragement to the committee members. Mr. Brinkin then said that the committee discussed the letter that was sent to the San Francisco Police department requesting that a liaison be appointed for the war demonstrations. In a meeting today, Acting Chief Fagan stated that he would be happy to come to the next LGBTAC meeting to further discuss this issue. The Committee also received a report on the Aging in the LGBT community public hearing as well as worked on planning the LGBTAC Annual Retreat, which will take place on Saturday, May 3rd. The Committee discussed Pride Day. In the past, the HRC held a booth to distribute literature and talk to the public, but with today's budgetary concerns, the \$200.00 fee for a booth seems steep. There was discussion to march as a contingent at the Pride Day Parade instead, but many people wanted to hold a booth.

b. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee

i. Report of March 19, 2003 Committee Meeting

Commissioner Ward stated that the March 19th committee meeting was cancelled because it fell on the first day of the war, and there were many demonstrations near and around the HRC offices. The next M/W/LBE Advisory Committee meeting will be on April 16th.

c. Youth and Education Committee

i. Report of March 20, 2003 Committee Meeting

Commission Secretary Toni Delgado stated that the Youth & Education Committee did not meet on March 20, but will be meeting on April 22nd.

Larry Brinkin added that the HRC Staffers for the Youth and Education Committee have invited people who have been active with the Committee to the April 22nd Meeting to discuss to possibility of abolishing the Committee. Mr. Brinkin stated that he met with the Director of the Youth Commission to discuss the possibility of the Youth Commission taking some of the issues that the HRC

Youth and Education Committee has dealt with, and the Youth Commission was very open to idea.

10. Commissioner discussion of matters of interest for possible inclusion of future agenda items

There was no discussion.

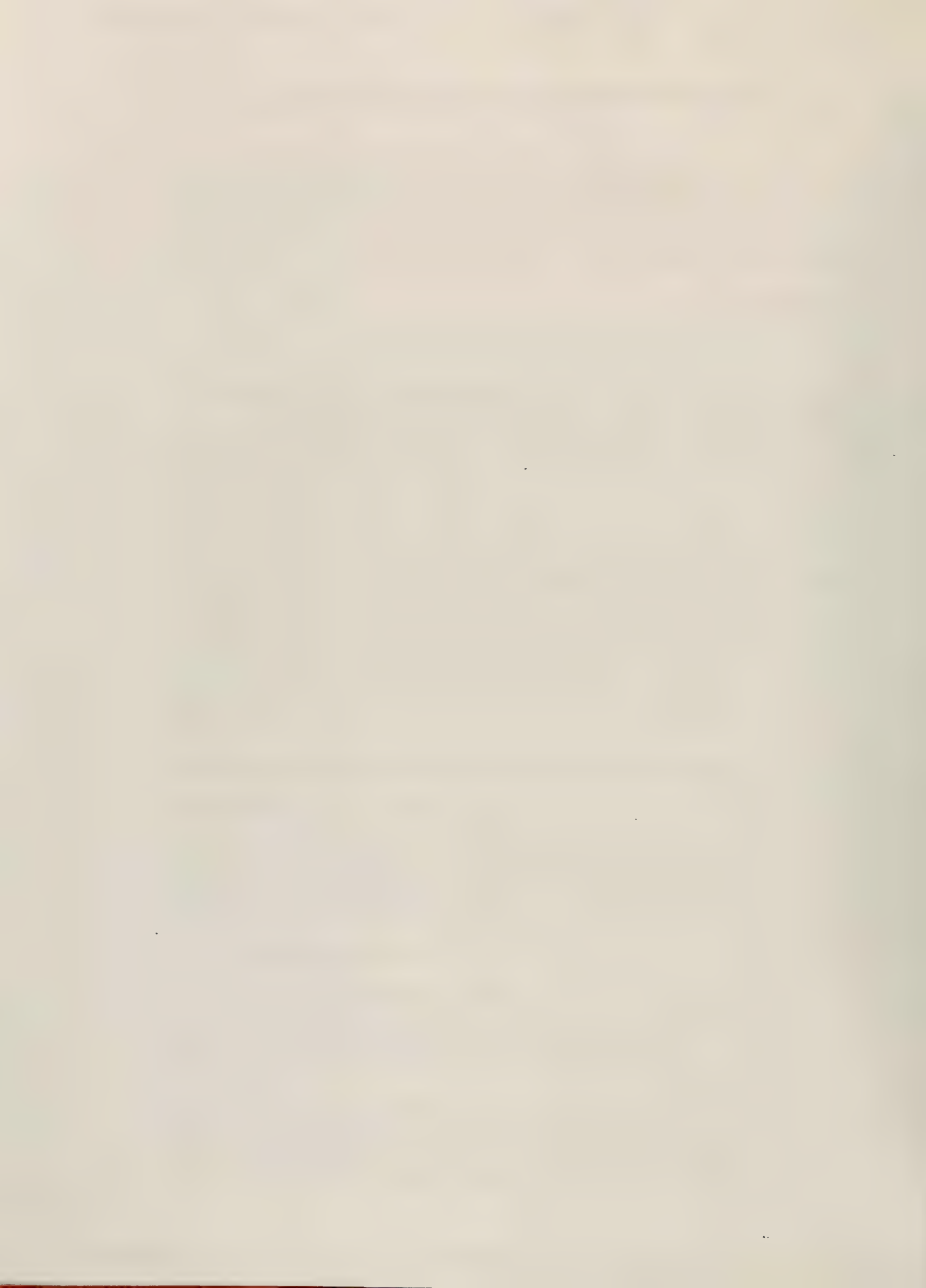
11. adjournment

There being no further business, the meeting was adjourned at 5:38 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary ******

[contact us](#) | [accessibility policy](#) | [disclaimer](#) | [privacy policy](#)

[Copyright](#) © 2003 City & County of San Francisco. All rights reserved.



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, April 24, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

APR 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

DOCUMENTS DEPT.

APR 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

HRC CALENDAR: May 2003

May 01

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 03

**LGBT Advisory Committee Meeting-
Retreat**

9:00am

City College Auditorium

33 Gough Street, SF

May 06

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

May 08

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

May 13

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

May 14

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 15

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

May 20

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 21

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 21

**Environmental Racism: Health
Workshop**

1:00pm - 5:00pm

Southeast Community Facility

Commission

1800 Oakdale Avenue, SF

May 22

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 22

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

Main Conference Room

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

- a. Approval of minutes of Commission Meeting of March 27, 2003
[☞Action Item *Attachment provided*]

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[©Discussion Item *No Attachment*]
- b. Discussion of HRC response to letter from Alice B. Toklas Democratic Club letter dated February 26, 2003
[©Discussion Item *Attachment provided*]

6. REPORT OF THE DIRECTOR

- a. Update on re-authorization of Chapter 12.D.A.
[©Discussion Item *No attachment*]
- b. Update on Environmental Racism: Energy Workshop
[☞Action Item *Attachment provided*]

7. APRIL: FAIR HOUSING MONTH

Report on Equal Housing Opportunity: 35th Anniversary of the Fair Housing Act
Presentation from Paul Smith, Branch Chief, Fair Housing Enforcement
U.S. Department of Housing and Urban Development
[©Discussion Item *No attachment*]

8. HRC DIVISION REPORT

LGBTH Division:

- a. Report on City and State LGBT Legislation (Winchester)
[©Discussion Item *Attachment to be provided at meeting*]

9. FOLLOW UP PRESENTATION ON AIRPORT CONTACT 5703.A: AIRTRAIN (FIELDS)

[©Discussion Item *No attachment*]

10. COMMITTEE REPORTS

a. *Employment Committee*

Commissioner Larry Lee, Chair

Commissioner Alicia Becerril, Vice-Chair

Commissioner Wilfred Hsu, Vice-Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of March 6, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

b. *Issues Committee*

Commissioner Johnnie Rollins, Chair

Commissioner Khaldoun Baghdadi, Vice Chair

Commissioner Haig Baghdassarian, Vice Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of April 9, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.com. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.





ALICE B. TOKLAS

LESBIAN GAY BISEXUAL TRANSGENDER DEMOCRATIC CLUB

The Progressive LGBT Democratic Club Since 1972

February 26, 2003

Board of Directors

Co-Chairs

Theresa Sparks
Rich Kowalewski

Issues Co-Chairs

Fran Kipnis
Jerry Fuller
Rafael Mandelman
Lee Militello

Political Action Co-Chairs

Lisa Chun
Greg Gibbs
Dean Goodwin
Scott Wiener

Treasurer

Martha Krutzen

Finance Co-Chairs

Jeff Anderson
Anna Damiani
Jay Navas

Recording Secretary

Jack Ryder

Corresponding Secretary

Kevin Easton

Membership Co-Chairs

Jim Maloney
Rodney Clara
Jordy Jones

Public Relations Directors

Jeff Hamilton
Laura Spanjan
Tony Winnicker

Newsletter Editor

Jane Boig

AIDS Action Director

Jim Illig

Program Co-Chairs

Jose Cisneros
John Lazar
Lisa Williams

Logistics Co-Chairs

Andrew Bryant
Dennis Edelman
Tom Pasco

Parliamentarian

Carole Cullum

Technology Chair

Paul M. Hogan

Volunteer Coordinators

Bridget Bane
Jay Sheffer

Members-at-Large

Dan Bernal
Esther Lee
Tom Runge
Daniel Yost

Past Presidents

Robert Barnes
Ron Braithwaite
Barbara Cameron
Bob Cramer
Carole Cullum
Jo Daly
Dennis Edelman
Roberto Esteves
Frank Fitch
Jim Foster
Dean Goodwin
Paul M. Hogan
Fran Kipnis
Esther Lee
Gary Miller
Connie O'Connor
Kevin Piedscalz
Sal Roselli
Matthew Rothschild
Gerry Schluter
Randy Stallings
Steve Walters
Judd Ziebell

Malcolm Heinicke
Chair
Human Rights Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102-6033

Dear Mr. Heinicke,

The Alice B. Toklas LGBT Democratic Club requests that the San Francisco Human Rights Commission investigate the overt and offensive racist voicemail campaign tactic used during the December 2002 run-off election in District 8.

On Election Day, December 10, District 8 voters received voicemail messages featuring a caller identified as "Warren" who left an inarticulate jumbled message. Frank Gallagher wrote in his column in the *San Francisco Examiner* on December 11, 2002 that the caller delivered this message: "Uh, yeah, this is Warren, calling to remind you that Willie Brown is counting on you to vote for Bee-van Dufty for supervisor. Mr. Dufty served five years as a special assistant to Mayor Brown, umm, so just get out and vote, OK?"

Using racial stereotyping as a campaign tactic should be repudiated as unacceptable in San Francisco. Not only did this voicemail stereotype of African Americans shock voters in District 8 with its blatant racism, it further polarized the race and class stereotyping of minority communities struggling for a seat at the political table.

The major problem with the "Warren Calls" is the anonymity of the calls – no one is claiming responsibility them. Worse, everyone who heard the calls or has heard about the calls assumes that "Warren" is African-American. How does one even discuss these calls without owning up to our collective racial stereotyping of urban African-Americans and admitting that "Warren" 'sounds black?' You cannot. That's why these calls are racist to the core. Whoever made these calls wanted to engage deep-rooted stereotypes of urban African-Americans, link this stereotype to Mayor Willie Brown and through the Mayor to Bevan Dufty.

In addition to offending the community's sense of dignity, this voicemail message appears to have also violated the San Francisco ordinance which requires disclosure related to political telemarketing. The "Warren" calls are among the most offensive racial stereotyping we have seen in San Francisco.

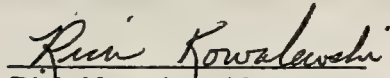
Human Rights Commission
Page Two

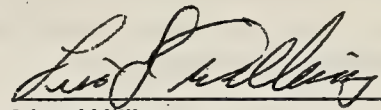
The Alice B. Toklas LGBT Democratic Club asks the Human Rights Commission to provide leadership on this issue. Even though the "Warren calls" were about politics, they were more about how we relate to each other as diverse members of the community. The racism represented by these calls thwarts everything we at Alice believe in as a minority community fighting to break through our own social and political barriers.

Yes, San Francisco is more diverse and more tolerant than most American cities. But it can be better. It doesn't matter whether racism comes from the former Republican leader of the U.S. Senate or from someone right here in San Francisco, it must be exposed and rooted out.

Thank you for considering this important matter.

Sincerely,


Rich Kowalewski
Club Co-chair


Lisa Williams
Program Co-chair

cc: HRC Commissioners
Virginia Harmon, Executive Director



**PLEASE
POST**

The San Francisco Human Rights Commission

*In conjunction with Assemblyman Mark Leno's Office,
Supervisor Sophie Maxwell's Office, the Mayor's Office of
Neighborhood Services, and the SF Department of the Environment*

Workshop I: Energy Savings & Energy Efficiency

Invited speakers to cover:

- *The City's energy policy*
- *Mitigation measures for BVHP residents*

Saturday, April 26th, 10am - 1pm

Southeast Community Facility

1800 Oakdale Avenue

*The Commission is responding to residents of the BVHP who requested
an investigation into Environmental Racism.*

*This workshop will coincide with the celebration and events of
Peoples Earthday: Urban Sustainability Fair (11am - 4pm) at Herons Head Park sponsored by
LEJ, the SF PUC, the SF Department of the Environment, and the SF Energy Cooperative.*

*Information on future workshops is forthcoming
Human Rights Commission.....Phone: 415-252-2500.....Fax: 415-431-5764*



GOVERNMENT

sfgov | citizen | business | government | visitor | online services | search
go !

Human Rights Commission >> Commission >> Meeting Information



City and County of San Francisco
Human Rights Commission

April 24, 2003 Approved

Minutes

Regular Meeting

Thursday, April 24, 2003

DOCUMENTS DEPT.

NOV 12 2003

SAN FRANCISCO
PUBLIC LIBRARY

Approved 05-08-03

ROSTER OF COMMISSIONERS

Malcolm Heinicke, Chair

Alicia Becerril, Vice-Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, Director

Toni A. Delgado, Commission Secretary

1. CALL TO ORDER AND ROLL CALL

Commissioner Chair Heinicke called the meeting to order at 4:41 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*

Haig Baghdassarian

Shirley Dimapilis

Martha Knutzen

Larry Lee (left 5:28 p.m.)

Johnnie Rollins

Charles Ward

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Larry Brinkin, J. Fields, Ed Ilumin, Veronica Ng, Diana Rathbone, Mary Gin Starkweather and Tamra Winchester

Guests Present

Deputy City Attorney Catherine Barnes

Commissioners Excused

Alicia Becerril, *Vice Chair*

Khaldoun Baghdadi

Wilfred W. Hsu

Theresa Sparks

A quorum was present.

Commissioner Baghdassarian stated that today, April 24, 2003, marks the 88th commemoration of the beginning of Armenian Genocide. Today, all over the world, people are commemorating the million and a half lives that were lost. Commissioner Baghdassarian then read an except from William Saroyan.

2. APPROVAL OF MINUTES

Approval of minutes of Commission Meeting of March 27, 2003

The minutes of Commission Meeting of March 27, 2003 were moved (Lee), seconded (Dimapilis), and CARRIED by the following vote:

Ayes 7 Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Ward

Noes 0

Absent 4 Baghdadi, Becerril, Hsu, Sparks

3. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

5. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

Commission Baghdassarian stated that he has attended many events commemorating the Armenian Genocide and there were more upcoming events. One on April 27th at 3 p.m. at Mount Davidson Cross and a screening of a BBC documentary focusing on the denial of the Armenian Genocide, next Tuesday, April 29, at the Koret Auditorium of the Main public library at 6:30 p.m.

Chair Heinicke stated that he, the Director, and HRC staff attended the Rules Committee meeting yesterday and testified. Chair Heinicke felt that the meeting went well. Additionally, Chair Heinicke stated that the County Clerk's office has agreed to distribute a child-planning booklet to couples who register for domestic partnership and a brochure listing resources for family planning. The HRC hopes to take this issue to the State level as well.

b. Discussion of HRC response to letter from Alice B. Toklas Democratic Club letter dated February 26, 2003

Chair Heinicke stated that he met with the HRC Director and HRC staff regarding this issue, and while the HRC is inclined to investigate this matter, we must first ensure that this issue is within our jurisdiction. The Ethics Commission code of conduct contains specific language from having campaign consultants making knowingly false statements, and similarly has a prohibition on appealing to racial prejudice in the conduct of a campaign. This letter will be forwarded to the City Attorney's Office and the HRC will move forward from that point.

6. REPORT OF THE DIRECTOR

a. Update on re-authorization of Chapter 12.D.A.

Director Harmon stated that yesterday at the Rules Committee Meeting, the Supervisors heard approximately three hours worth of testimony regarding the re-authorization of 12.D.A. The next Rules Committee hearing will take place on May 7th, where the HRC will present statistical evidence in support of the ordinance. The Rules Committee will also receive a report from a consultant who is doing a study on private sector discrimination in the City and County of San Francisco. The Committee will hear any further testimony from members of the public who have not already spoken on this issue. The HRC is hoping that the Rules Committee will move the legislation out of Committee at that meeting, and the ordinance will then be heard by the full Board in the next week. Director Harmon encouraged Commissioners to attend the Rules Committee Meeting and provide testimony on the ordinance.

b. Update on Environmental Racism: Energy Workshop

Director Harmon stated that this item is a reminder to the Commissioners and to the public that the first workshop of environmental racism will take place on April 26th, from 10 a.m. to 1 p.m. at the Southeast Community Facility in the Bayview/Hunters Point.

Diana Rathbone (HRC Staff), provided the Commissioners with an agenda for the workshop (see attached). Ms. Rathbone encouraged all the Commissioners to attend and expressed her excitement for this event. She thanked HRC Staffers Nichole Truax and Sophia Simpliciano for their excellent planning of this event; James Fields for outreach, and Morris Campbell and Lynn Brown. Commissioner Ward thanked HRC Staff for all of their hard work.

* * *

Director Harmon then pointed out two letters that went out to the California State Board of Equalization and the State Controller regarding property tax and reassessment (see attached). The HRC seniors in the LGBT community hearing prompted these letters to go out. Commissioner Knutzen noted that ensuring that a surviving domestic partner does not lose his/her home as a result of property reassessment after the death of their partner (which does not happen to married couples) is the next step in the battle to provide equal treatment to LGBT people.

* * *

Chair Heinicke stated that on Tuesday, he, Commissioner Dimapilis, and HRC Staffer Larry Brinkin met with former Commissioners, former members of the Youth and Education Committee, and interested parties to discuss the future of that Committee. The meeting was productive and the consensus at the end of the meeting was to take the Youth and Education Committee out of a formal committee structure and assign any arising topics to a Task Force of the Issues Committee as they arose. Chair Heinicke noted that this is not a permanent decision, rather one of reorganization, and if a need arose to re-implement the Youth and Education Committee as a standing Committee, the HRC would revisit this item at that time.

7. APRIL: FAIR HOUSING MONTH

Report on Equal Housing Opportunity: 35th Anniversary of the Fair Housing Act
Presentation from Paul Smith, Branch Chief, Fair Housing Enforcement U.S.
Department of Housing and Urban Development

Ed Ilumin (HRC Staff), stated that in 1964 the Commission assigned Edith Wood and Booker Neil to implement Section 12.A.9, "Unfair Neighborhood Practices." These were the first two government officials throughout the United States to deal with the issue of housing discrimination. It wasn't until 1968, when Congress enacted the Fair Housing Act, did the HRC/Housing and Urban Development (HUD) have enforcement power. The HRC and HUD have continued to have a synergistic relationship. Mr. Ilumin then introduced Josie Cantero, a Federal Investigator for HUD.

Ms. Cantero noted that thirty-five years ago, people of color or religious affiliations could not rent or buy homes in particular neighborhoods all across the United States, until President Johnson signed the federal Fair Housing Act. Ms. Cantero shared with the Commission many positive stories about how HUD has been able to help people through the Fair Housing Act in the areas of color, religion, national origin, sexual harassment, familial status and disability.

Ms. Cantero added that HUD is actively engaged in increasing home ownership, acting with President Bush's Home Ownership Challenge in June 2002. President Bush appropriated 2.7 billion in housing initiatives to help minorities and low to moderate income persons to won their own home. The goal is to increase minority

homeownership by 5.5 million families by the end of this decade. HUD's response to the President's challenge is called the Blueprint for the American Dream Partnership. This partnership is a public and private initiative that harnesses the resources of the Federal government. For Fiscal Year 2004, HUD is proposing \$50 million dollars, the largest Fair Housing in history. Ms. Cantero stated that HUD currently has eleven investigators and added that HUD works closely with the HRC and the Department of Fair Employment and Housing (DFEH) to meet the needs of the public.

Ed Ilumin reminded HRC Commissioners that the HRC is co-sponsoring a Fair Housing Training seminar on April 25th at the State Building from 9:00 a.m. to 3:30 p.m. The audience will include housing providers and landlords. The training costs \$45.00. Ms. Cantero also noted that HUD is hosting a celebration of Fair Housing Month on Monday, April 28th, from 10:30 a.m. to 12:00 p.m. at the Federal Building, 2nd Floor.

8. HRC Division report

Lesbian Gay Bisexual Transgender and HIV (LGBTH) Division

a. Report on City and State LGBT Legislation

Tamra Winchester (HRC Staff), provided the Commissioners with a summary of legislation currently being evaluated at the City and State level (see attached). There was much discussion about the difference between the rights of married couples and the rights of domestic partners, or lesbian and gay couples. Much of the proposed legislation that Ms. Winchester reported on was in reference to these issues.

9. Follow up presentation on airport contract 5703.a: airtrain (fields)

James Fields (HRC Staff), stated that at the last Commission meeting, he and Airtrain project manager Victor Howe presented the workings of the Airtrain system. At this meeting, Mr. Fields provided the Commission with the breakdown of the M/W/LBE goals for this project, and the contractors that were utilized (see attached). Mr. Fields also noted that prior to the economic downturn post 9/11, an international first class hotel was scheduled to be built along the Airtrain line, but this project along with several other major projects have been put on hold. Commissioner Heinicke asked Mr. Fields to provide M/W/LBE goals and participation on similar projects at a future meeting.

10. committee reports

a. Employment Committee

i. Report of March 6, 2003 Committee Meeting

Mary Gin Starkweather (HRC Staff), stated that the last committee meeting was a planning meeting to discuss future goals and issues for the committee. These

issues included the upcoming citywide layoffs and the disparity an effect on minorities and women, the equal services access ordinance, the equal benefits ordinance, city construction contracts, and sweatshop watch. The committee will also have presentations from Toolworks, which provides tools and resources for people with disabilities; from the First Source Hiring program; a presentation from the manager of the living wage/living health division and a presentation from the Employee Assistance Program regarding citywide layoffs.

a. Issues Committee

i. Report of April 9, 2003 Committee Meeting

Commissioner Rollins stated that the committee viewed the video *Not In Our Town*. Commissioner Rollins stated that this video moved committee members and inspired them to work more diligently on the issue of racial profiling. The committee also discussed the upcoming environmental racism workshop and the meeting ended with Commissioner Baghdassarian providing more information regarding the Armenian Genocide.

11. Commissioner discussion of matters of interest for possible inclusion of future agenda items

There was no discussion.

12. adjournment

There being no further business, the meeting was adjourned at 6:09 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

[contact us](#) | [accessibility policy](#) | [disclaimer](#) | [privacy policy](#)

Copyright © 2003 City & County of San Francisco. All rights reserved.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, May 8, 2003
4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
MAY - 5 2003

SAN FRANCISCO
PUBLIC LIBRARY

HRC CALENDAR: May 2003

May 01

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 03

**LGBT Advisory Committee Meeting-
Retreat**

9:00am

City College Auditorium

33 Gough Street, SF

May 06

Senior Issues Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

May 08

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

May 13

Gender Identity Guidelines Task Force

5:30 p.m.

25 Van Ness Avenue, #800

Main Conference Room

May 14

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 15

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

May 20

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 21

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 21

**Environmental Racism: Health
Workshop**

1:00pm - 5:00pm

Southeast Community Facility

Commission

1800 Oakdale Avenue, SF

May 22

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

May 22

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

Main Conference Room

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. APPROVAL OF MINUTES

- a. Approval of minutes of Commission Meeting of April 10, 2003
[☞Action Item *Attachment to be provided at meeting*]
- b. Approval of minutes of Commission Meeting of April 24, 2003
[☞Action Item *Attachment to be provided at meeting*]

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[☹Discussion Item *No Attachment*]
- b. Discussion of HRC response to letter from Alice B. Toklas Democratic Club letter dated February 26, 2003
[☹Discussion Item *No Attachment*]
- c. Presentation on HRC/County Clerk joint effort to provide child planning information to Domestic Partnership couples
[☹Discussion Item *Attachment to be provided at meeting*]

6. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for April (Kanios)
[☹Discussion Item *Attachment to be provided at meeting*]
- b. Update on re-authorization of Chapter 12.D.A.
[☹Discussion Item *No attachment*]
- c. Discussion of HRC budget for fiscal year 2003-04
[☹Discussion Item *No attachment*]
 - i. Possible adoption of resolutions commending the work of HRC Staffers Sadako Ekusa and Nenita Panday
[☞Action Item *Attachment to be provided at meeting*]
- d. Possible adoption of resolution commending the work of Deputy City Attorney Randy Riddle
[☞Action Item *Attachment to be provided at meeting*]

7. APPROVAL OF RESOLUTION TO CHANGE HRC'S YOUTH AND EDUCATION COMMITTEE

[☞Action Item *Attachment to be provided at meeting*]

8. ENVIRONMENTAL RACISM WORKSHOPS (RATHBONE/TRUAX/TOM)

- a. Update on April 26, 2003: Energy Workshop
[©Discussion Item *No attachment*]
- b. Possible approval of letter to Pacific, Gas and Electric, Co., urging them to appropriate program dollars toward conservation/rate reduction in the Bayview/Hunter's Point area
[☞Action Item *Attachment to be provided at meeting*]

9. COMMITTEE REPORTS

a. *Lesbian Gay Bisexual Transgender Advisory Committee*

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Report of April 15, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. *MBW/WBE/LBE Advisory Committee*

Commissioner Shirley Dimapilis, Chair

Commissioner Charles Ward, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of April 16, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, May 22, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred W. Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

MAY 19 2003

SAN FRANCISCO
PUBLIC LIBRARY

HRC CALENDAR: June 2003

June 05

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 11

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 12

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

June 17

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 18

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 18

M/W/LBE Advisory Committee Meeting

Environmental Racism: Naval Shipyard

9:00am - 1:00pm

Southeast Community Facility

Commission

1800 Oakdale Avenue, SF

June 19

"How to Use Your Certification"

Workshop-Purchasing

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

June 19

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 26

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[©Discussion Item *No Attachment*]
- b. Discussion of City Attorney response to HRC letter regarding Alice B. Toklas Democratic Club letter dated February 26, 2003
[©Discussion Item *No Attachment*]
- c. Presentation of revised letter to Pacific, Gas and Electric, Co., urging them to appropriate program dollars toward conservation/rate reduction in the Bayview/Hunter's Point area
[©Discussion Item *Attachment provided*]
- d. Discussion of M/W/LBE Arab-American utilization
[©Discussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for April (Kanios)
[©Discussion Item *Attachment provided*]
- b. Update on re-authorization of Chapter 12.D.A.
[©Discussion Item *No attachment*]

6. APPROVAL OF LETTER TO POLICE COMMISSION RECOMMENDING THE ADOPTION AND IMPLEMENTATION OF TRANSGENDER PROTOCOLS AND TRAINING GUIDELINES (ARANA)

[☞Action Item *Attachment provided*]

7. ENVIRONMENTAL RACISM WORKSHOPS (RATHBONE/TRUAX/TOM)

- a. Update on May 21, 2003: Health Workshop
[©Discussion Item *Attachment provided*]

8. POSSIBLE APPROVAL OF AMENDMENT TO COMMITTEE GUIDELINES TO RE-ORGANIZE COMMITTEE STRUCTURE (YOUTH & EDUCATION AND ISSUES COMMITTEES) VILLACARLOS/KANIOS/SMITH

[☞Action Item *Attachment provided*]

9. HRC DIVISION REPORT

Equal Opportunity Division:

- a. Port of San Francisco Local Trucking Policy (Tom/Dzikunu)

[©Discussion Item *Attachment provided*]

10. COMMITTEE REPORTS

a. *Employment Committee*

Commissioner Larry Lee, Chair

Commissioner Alicia Becerril, Vice-Chair

Commissioner Wilfred Hsu, Vice-Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

- i. Report of May 1, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

b. *Issues Committee*

Commissioner Johnnie Rollins, Chair

Commissioner Khaldoun Baghdadi, Vice Chair

Commissioner Haig Baghdassarian, Vice Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

- i. Report of May 14, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

May 8, 2003

Malcolm A. Heinicke
Chair

Alicia Becerril
Vice-Chair

Khaldoun A. Baghdadi
Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Steve McCarty
Director
Customer Energy Management
Pacific Gas and Electric Company
Mail Code N6G
P.O. Box 770000
San Francisco, CA 94177-0001

Re: San Francisco Energy Efficiency Pilot Program

Dear Mr. McCarty:

On Saturday, April 26th, 2003, the San Francisco Human Rights Commission co-sponsored an Energy Workshop at the City's Southeast Community Facility. This workshop was the first in a series that the Commission will be holding on the issue of environmental racism and related issues in the City's Bayview/Hunter's Point neighborhood.

The primary goal of this workshop was to provide the community with information concerning the City's energy policy, and particularly the future of PG&E's Hunter's Point power plant that has been the source of neighborhood pollution concerns for years. A secondary goal was to discuss ways in which members of these communities could work to lower their traditionally high bills by promoting energy efficiency. Mr. Jim Chace of PG&E was kind enough to participate as a panelist, and he also provided attendees with free energy efficient light bulbs and light fixtures, courtesy of PG&E.

At the workshop, one of the specific issues brought to the Commission's attention concerned the \$16.3 million Pilot Program recently authorized by the California Public Utilities Commission. As we understand it, this money will be allocated to programs designed to reduce the City's peak electricity load, thereby reducing the City's current and future needs for power and hastening the closing of the PG&E power plant. It is our further understanding that PG&E will likely control the allocation of a very large percentage of this money, with the City's Department of the Environment, a co-sponsor of the workshop, controlling the remainder.

We are informed that PG&E initially earmarked the vast majority of these funds for programs in the City's "Downtown Corridor," apparently on the assumption that the biggest overall megawatt reduction can be obtained by reducing the use of the City's largest energy consumers. During our workshop,



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



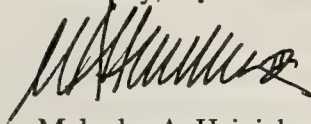
we discussed this project and several of the apparent assumptions underlying the decision to target these programs to the Downtown Corridor. Several individuals suggested that new information had recently become available, and this information suggested that targeting these programs to other areas of the City, specifically Hunter's Point and the Bayview, would have an equally if not greater actual effect on efforts to reduce the City's energy consumption.

In light of this new information, the Human Rights Commission strongly urges PG&E to consider targeting a much larger share of the conservation funds and associated efforts to the Bayview/Hunter's Point community. As previously mentioned, these communities have traditionally paid relatively high energy bills, and they could benefit greatly from conservation programs. And, in the longer term, such programs would help hasten the closure of the Hunter's Point power plant by assisting the very community that has been suffering its effects.

The Commission plans on having a follow up meeting with the Department of the Environment and members of the community to ensure that this new information is taken into account and that the community's concerns and frustrations are addressed. If you or someone from your staff could attend such a meeting to describe PG&E's proposed time frame for dealing with this new information and with the eventual distribution of these funds, it would be most appreciated.

Thank you for your time and consideration. As we are planning to hold the meeting early in June, we would respectfully request that you respond to this letter by the end of this month and advise the Commission whether and to what extent you will be directing (or re-directing) any of these programs to the Hunter's Point and Bay view communities.

Sincerely,



Malcolm A. Heinicke
Chair, San Francisco Human Rights Commission

cc: Lynne Brown, Communities for a Better Environment
Rev. Andrew Bozeman, Southeast Sector Community
Development Corporation
Maurice Campbell, Community First Coalition
Francisco Da Costa, Environmental Justice Advocacy
Ann Kelly, San Francisco Department of the Environment



May 22, 2003

**San Francisco Administrative Code Chapters
12B, 12C and 12D.A Sole Source Waiver Report**

**This report contains the full list of sole source waiver requests
submitted to the HRC by City departments for the month of April**

No. 1 SOLE SOURCE Animal Care & Control requested a waiver for Stonhard, Inc. to provide specific product used throughout their animal floor surfaces to repair the floors.

Granted: This was the original installer of the floor and carries the specific product needed to repair the floor. This is also a health hazard, as it cannot be completely sanitized while in the present condition.

No. 2 SOLE SOURCE Public Health requested a waiver for Cryolife, Inc. to provide graphs.

Granted: Physicians specifically request this firm's products as the best products that would most benefit a patient.

No. 3 SOLE SOURCE Public Health requested a waiver for Boston Medical Products, Inc. to provide proprietary products.

Granted: BMP's products- stents, implants are specifically requested by physicians as the best product to offer patients the most benefit.

No. 4 SOLE SOURCE City Attorney requested a waiver the MBE and WBE subcontracting goals associated with an RFQ for Bond Counsel services.

Granted: MBE and WBE availability (there are only 3) in the City Attorney's bond counsel pool is insufficient to uphold this requirement.

No. 5 SOLE SOURCE Animal Care & Control requested a waiver for Pets Unlimited to provide emergency veterinary medical services at night.

12D.A- Granted; 12B & 12C- Denied: Pets Unlimited is compliant to the 12B and 12C Ordinance: This is the only other veterinary hospital that provides all day/night medical services for sick and injured animals. AC&C presently has a contract with only one other veterinarian for these services.



No. 6 SOLE SOURCE Department of Public Health requested a waiver for HA Software Services to provide overall management and support of their voice communication system.

Granted: This firm has the extensive prior knowledge and experience working with older Definity Generic 2 telephone switch. The software associated with this system is proprietary.

No. 7 SOLE SOURCE Department of Public Works requested a waiver for Hauck Mfg. Company to repair their burner at the asphalt plant.

Granted: This firm designed and manufactured this product. No other companies or repair specialist are qualified to work on this burner.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

COMMISSIONERS

May 23, 2003

Malcolm A. Heinicke
Chair

Alicia Becerril
Vice-Chair

Ms. Connie Perry, President
San Francisco Police Commission
850 Bryant Street, Room 505
San Francisco, CA 94102

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Dear President Perry:

I am writing on behalf of the San Francisco Human Rights Commission ("HRC") regarding the work of the Transgender Community/SFPD Task Force that was created by the Police Commission in September 2001 by Resolution #55-01. Please find that resolution enclosed with this letter. We have reviewed the work product of that Task Force and we have voted unanimously today to strongly recommend that the Police Commission adopt and implement the work product of the Task Force.

For many years, there have been documented problems regarding interactions between some transgender individuals and some SFPD officers. There also have been challenges for some officers in knowing how to deal respectfully with transgender people. These kinds of "flashpoint" interactions, and the ensuing complaints from transgender people, led to the creation of the Task Force. The Police Commission recognized that the SFPD needed assistance from outside experts as well as input from transgender community members about how to improve and augment transgender community awareness trainings conducted by the SFPD.

At a meeting with the HRC in October 2001, SFPD Deputy Chief Bill Welch and Captain Dan Lawson, recommended the revision of Department General Orders ("DGOs") as another way to mitigate the problems by reiterating departmental policy to officers who may not have received transgender community awareness trainings at the Academy. In January 2002, the HRC began working with key police personnel recommended by the SFPD, transgender community members, and representatives from community-based organizations to begin the work of addressing the ideas presented in Resolution #55-01. The Task Force identified Work Group members who drafted the materials that are currently under consideration for adoption by the Police Commission.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



After more than a year of concerted effort, the training materials were created, the DGO revisions were identified, the report was drafted, and the entire packet was submitted to SFPD personnel, transgender activists, and community based organizations with a strong transgender client base, for their review and feedback. At every step of the way, the SFPD/Transgender Community Task Force maintained complete oversight of the project and its work product.

We are very pleased with the work product of that Task Force. We believe that these training materials, DGO revisions, and protocols represent the collaborative work of dozens of people, from SFPD Command staff, police officers, community activists, and HRC Commissioners and staff. We strongly recommend that the San Francisco Police Commission adopt and implement the work product of the Task Force.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

Enclosures



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

**RESOLUTION COMMENDING THE SAN FRANCISCO POLICE COMMISSION AND
OFFICE OF CITIZEN COMPLAINTS FOR DEVELOPING AND PASSING POLICY
STATEMENT #0390-99 WHICH CALLS FOR THE DEVELOPMENT
AND IMPLEMENTATION OF A TRAINING CURRICULLUM AND PROTOCOLS ON
THE TREATMENT OF TRANSGENDER INDIVIDUALS.**

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Leslie D. Littleton

Antonio Salazar-Hobson

Theresa Sparks

Charles L. Ward

WHEREAS, The Human Rights Commission has received reports of discriminatory treatment of transgender individuals by members of the police department and a recent report by Community United Against Violence found that approximately fifty percent of the violence experience by transgender people is perpetrated by police officers; and

WHEREAS, The Human Rights Commission is dedicated to protecting the civil rights of all San Franciscans, including the right to equal treatment and protection by the police; and

WHEREAS, The Office of Citizen Complaints developed Policy Recommendation #0390-99 that suggests augmenting training for both new recruits and experienced San Francisco Police Officers to improve their cultural competency in the treatment of transgender individuals; and,

WHEREAS, The Police Commission enthusiastically adopted the recommendation of the Office of Citizen Complaints and committed the staff of the Office of Citizen Complaints and Police Department to carrying out the recommendation by forming a task force for this purpose; and

WHEREAS, The Police Commission invited the Human Rights Commission to participate in this task force and contribute its expertise in addressing discrimination against transgender individuals, including in the area of law enforcement; now therefore, be it

RESOLVED, That the Human Rights Commission commends the Police Commission and Office of Citizen Complaints for its commitment to supporting a police force that is culturally competent and for developing and endorsing these recommendations; and be it further

RESOLVED, That the Human Rights Commission fully supports the goals set out by the Police Commission and will work with the Police Department and Office of Citizen Complaint to establish a joint task force comprised of government and community-based agencies, dedicated to developing protocols and procedures pursuant to the adopted recommendation.

Adopted by the Commission on _____

Kimberly Carver, Commission Secretary



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights







RECEIVED
AT OCC

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

August 2, 2001

Fred H. Lau
Chief of Police

Dear Chief Lau:

At the meeting of the Police Commission on Wednesday, August 1, 2001, the following resolution was adopted:

RESOLUTION NO. 55-01

APPROVAL OF OCC POLICY RECOMMENDATION NO. 0390-99, "QUESTIONING OF TRANSGENDER INDIVIDUALS"

RESOLVED, that the Police Commission hereby approves OCC Policy Recommendation No. 0390-99, "Questioning of Transgender Individuals."

AYES: Commissioners Perry, Herrera, Friday
ABSENT: Commissioners Chan, Quaranta

Very truly yours,

Lieutenant Edward Geeter

Secretary

THE POLICE COMMISSION

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

1273/rct

cc: Director M. Dunlap/OCC

Policy Recommendation
Office of Citizen Complaints
Fourth Quarter 2000
Reference OCC # 0390 - 99

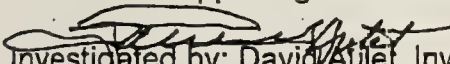
Subject: Questioning of Transgender Individuals

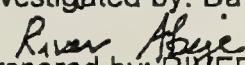
Recommendation: The Office of Citizen Complaints recommends that the San Francisco Police Department

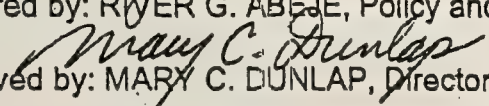
- (1) augment training at the Police Academy for both new recruits and experienced officers to provide guidance as to culturally competent language and behavior in the questioning and other treatment of persons who identify, or who are identified by officers, as transgender individuals; and,
- (1) invite appropriate personnel from the City's Human Rights Commission, Community United Against Violence (CUAV) and other expert institutions to participate in training SFPD sworn personnel, pursuant to the above; and,
- (1) standardize documentation as to transgender individuals in incident reports and other SFPD forms, to include, among other items, complete documentation for persons who use various (e.g., male and female) aliases.

Case Background:

Complainant, a self-identified transgender woman, was booked as a male. Complainant felt that the officer's language and attitude shown toward her were disrespectful of her gender identity. During OCC investigation, a supervising officer stated that he believed that officers would benefit from clarification of current training on documentation of transgender persons. OCC also has received information from several transgender individuals supporting this recommendation.


Investigated by: David Aulet, Investigator


Prepared by: RIVER G. ABEJE, Policy and Outreach Specialist


Approved by: MARY C. DUNLAP, Director

Date: December 11, 2000

REPORT OF THE POLICE COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO

History: In 1994, the San Francisco Human Rights Commission (“SF HRC”) held public hearings to determine the civil rights status of transgender communities. Among many other findings gleaned from hours of testimony, it became evident that there were inter-group tensions between law enforcement/private security personnel and transgender communities. Subsequently, the San Francisco Police Department (“SFPD”) conducted a series of community forums to learn more from the public about these issues and concerns. Finally, by utilizing data compiled by Community United Against Violence (“CUAV”), the problem became quantified: 49% of transgender people in the Bay Area, reporting incidents of bias-based violence, named law enforcement or private security personnel as the perpetrator of the incident.

The Office of Citizen Complaints (“OCC”) drafted OCC Policy Recommendation #0390-99, calling for the creation of a Police and community task force to address the concerns of the community through policy changes and training program augmentation. On August 1, 2001, the Police Commission unanimously adopted Resolution # 55-01, which endorsed the recommendations of the OCC. In September 2001, the SF HRC passed the “Resolution Commending the San Francisco Police Commission and Office of Citizen Complaints For Developing and Passing Policy Statement #0390-99 Which Calls For The Development and Implementation of a Training Curriculum and Protocols on the Treatment of Transgender Individuals.”

Process Summary:

In response to San Francisco Police Commission Resolution #55-01, the SFPD/TG Community Task Force first convened on January 28, 2002, and was comprised of Police Force personnel, community organizations, the SF HRC, and transgender community members. Three members from the Task Force, representing the SFPD, the SF HRC, and community-based organizations, formed the core of the working group which was responsible for the drafting, editing, and revising of the report, protocols, and training materials. After creating the documents, the work group submitted them to the Task Force for approval. Before the Task Force submitted the documents to the Police Commission, the drafts were circulated for input from transgender communities.

Mission and Goals of the Task Force:

Mission: To improve the Transgender Community/ Police Department relations including but not limited to, increasing understanding of respective needs and expectations, developing protocols for interaction, augmenting training hour allocations, creating gender identity trainings

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

for advanced officers, refining accountability mechanisms, and encouraging access to Police Department services and jobs.

Goals:

- Demonstrate the SFPD's commitment to transgender civil rights
- Increase the individual officer's sensitivity to gender identity issues and increase the overall departmental cultural competency regarding transgender communities
- Screen for bias in the hiring process in both candidates and evaluators of the candidates
- Encourage the SFPD to initiate the recruitment, hiring, training, and deployment of transgender officers
- Strengthen transgender community/police relations
- Strengthen departmental accountability processes, including adhering to departmental policies regarding interactions with transgender individuals

The Police Commission, at the recommendation of a Task Force convened by Resolution #55-01, hereby orders the Chief of Police to implement the following:

- 1. Broaden existing General Orders to acknowledge protection for people on the basis of gender identity – GO 2.01, GO 5.03, GO 11.07 (See Appendix E for recommended revised language)**
- 2. Revise SFPD Form 54 “Medical Screening”**
 - Change the second bullet on side two to read “transgender people”
- 3. Implement Protocols regarding proper interactions with transgender communities**
 - Draft periodic memos alerting officers to events or changes in circumstances in the transgender community
- 4. Implement the Department Bulletins as “A Priority” Bulletins (See appendix G)**
 - Implement Investigative Stops Bulletin
 - Implement Name Usage and Forms of Address Bulletin
 - Implement Booking of Transgender/Transsexual Arrestees Bulletin
 - Implement Detention Bulletin
 - Implement Transport Bulletin
- 5. Implement the Roll Call Trainings drafted by the Task Force**

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

- Develop future roll call trainings to instruct officers on specific scenarios regarding legal identification; proper addressing of community members or suspects; appropriate and inappropriate uses of pat-downs and strip searches; identification of gender identity of witness and suspect on written reports; identification of gender identity hate crimes; dominant aggressor assessment in transgender relationships involving domestic violence; child protective services calls involving transgender parents; drug use assessment of transgender persons on hormones; and appropriate holding arrangements of transgender suspects, etc
- 6. Implement candidate screening materials for transgender bias**
 - Instruct the Examination Unit to develop transgender specific Q-2 scenarios for rotation into the oral boards
 - Instruct the Examination Unit to recruit transgender persons as civilian participants in oral boards
 - 7. Develop and implement training to screen anti-transgender bias in psychological evaluators**
 - Revise protocols for psychological assessment of officers to eliminate anti-transgender bias including providing training for psychological evaluators
 - 8. Increase the hours allotted for TCA (Transgender Community Awareness) Trainings for new officers**
 - Increase the hours of recruit training dedicated to transgender sensitivity from four hours to eight hours
 - 9. Develop and implement four hours of TCA trainings for advanced officers**
 - Provide senior officers with 4 hours of transgender community awareness training
 - Provide 8 hours of training for the staff in the police department's internal affairs unit
 - Provide 8 hours of training for the staff in the police department's vice unit
 - 10. Implement evaluation of TCA trainings**
 - Utilize consultants to evaluate the effectiveness of the SFPD training models, including developing baseline, measuring officers' social distance, knowledge, and ability to choose proper courses of actions with respect to the transgender community, through pre and post evaluation instruments
 - 11. Create a recruitment drive to hire, train, and deploy transgender officers**
 - Initiate recruitment campaign for the SFPD that is explicitly transgender inclusive
 - 12. Develop a community brochure on rights and responsibilities regarding interactions with law enforcement personnel**
 - Produce a joint brochure on rights/responsibilities between police and the transgender communities, including appropriate pronoun usage, due respect, increased vigilance enforcement, jay walking, prostitution, etc

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

- Police Department will distribute internally throughout the department. SFPD, SF HRC, Community based organizations, and community members will develop and outreach plan for distribution of the brochure

13. Include TG community members participation in Academy and Advanced Officer trainings

- Involve community members' participation in training of law enforcement through contact with community based speakers bureaus
- Provide stipends to community speakers participating in TCA Trainings

14. Encourage state-wide implementation of this model

- Provide training and technical assistance regarding these materials, policies, and protocols to other law enforcement jurisdictions and security agencies

15. Create a Police/Community joint body to review and evaluate implementation

- ☐ Involve SFPD, SF HRC, and transgender community representatives in reviewing and evaluating the implementation of these recommendations, commencing on the anniversary of the adoption of this Report

TASK FORCE MEMBERS:

Task Force:

Marcus Arana – SF HRC *

Inspector Tim Armour – SFPD

Larry Brinkin - SF HRC

Capt. Gregory Corrales

Tina D'Elia-Community United Against Violence (CUAV)

Claire Eustace – Intern/HRC *

Sgt. Joe Garrity – SFPD

James Green – SFPD Academy Trainer

Prado Gomez – Proyecto Contra SIDA por Vida

Tamika Gonzales – API Wellness Center

Commissioner Martha Knutzen – SF HRC

Lt. David Lazar – SFPD

Edd Lee – API Wellness Center

Jodie Marksamer – Intern/HRC *

Lt. Henry Parra – SFPD

Jennifer Rakowski – CUAV *

Lt. Mike Slade – SFPD

Commissioner Theresa Sparks – SF HRC

Capt. Steve Tachini – SFPD

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Sgt. Stephan Thorne – SFPD *

Adela Vasquez – Tenderloin AIDS Resource Center (TARC)

Shawna Virago – CUAV

*** Work Group Members**

The Police Commission would like to thank all of the members of the Task Force and transgender community for their hard work on this project. The Commission would like to recognize the commitment of the Work Group members for working with the suggestions of the Task Force in their creation of the training materials, the revisions, the protocols, and this Report.

APPENDIX:

- A. POLICE COMMISSION RESOLUTION #55-01**
- B. SF HRC RESOLUTION**
- C. DEFINITIONS**
- D. TRAINING MATERIALS**
- E. GENERAL ORDER REVISIONS**
- F. PERTINENT ADMINISTRATIVE AND POLICE CODES (12A and 33)**
- G. FORMS RECOMMENDED FOR REVISION (SFPD 54 - MEDICAL SCREENING FORM)**
- H. MATERIALS FOR “A PRIORITY” DEPARTMENTAL BULLETINS**



GENERAL ORDER REVISIONS

(The underlined phrases are recommended revisions for the existing General Orders)

DO 2.01 GENERAL RULES OF CONDUCT

03/29/02

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, sarcastic or uncivil language, or language understood to be disrespectful according to an identified community's standard. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender presentation or gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

35. RESPONSIBILITIES OF MEMBERS WITH PRISONERS.

Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy, and shall not subject prisoners to ridicule or humiliation by unnecessary public display or use public display as a means of ridiculing or humiliating a prisoner.

36. TRANSPORTING OF FEMALES AND TRANSGENDER

INDIVIDUALS: Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a department vehicle, whether due to detention, arrest, or any other reason, an officer shall notify ECD with the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the member shall immediately notify ECD and provide the vehicle's ending mileage. ECD shall broadcast the starting and ending times as an appropriate response confirming the officer's broadcasts.

DGO 5.03 INVESTIGATIVE DETENTIONS

08/17/94

I. POLICY

A. DETENTIONS. It is the policy of the San Francisco Police department that every person has the right to use public streets and public places so long as he/she does not engage in criminal activity. Factors such as a person's race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress, unusual or disheveled or impoverished appearance do not alone justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others.

DGO 11.07 DISCRIMINATION AND HARASSMENT

08/10/94

IV. DEFINITIONS

A. DISCRIMINATION. Discrimination is defined as behavior which gives preferential treatment to one group of persons over another group, or one person over another, on the basis of:

1. Race/color;
2. National origin/ethnicity;
3. Sex
 - Male or female
 - Pregnancy, childbirth or related medical condition
4. Gender identity or presentation;
5. Sexual orientation;
6. Religion;
7. Age;
8. Physical or mental disability or medical condition;
9. Marital status;
10. Political affiliation or beliefs;

11. Acquired Immune Deficiency Syndrome (AIDS), Acquired Immune Deficiency Syndrome Related Complex (ARC), Human Immunodeficiency Virus Infection (HIV Infection) or any medical signs or symptoms related thereto.

B. HARASSMENT

3. OTHER HARASSMENT. Although only sexual harassment has been defined in detail above, the law and Department policy also prohibit harassment on the basis of the individual's or group's race, color, national origin, ethnicity, pregnancy, childbirth or other related medical condition, gender identity or presentation, sexual orientation, religion, age, physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV Infection or any signs or symptoms thereof. Therefore, harassment (including verbal, visual and physical conduct) on any of these bases is also prohibited.

C. SLURS

1. It is the policy of the Department to treat all persons equally and respectfully and to refrain from the willful or negligent use of slurs against any person on the basis of race, color, national origin, ethnicity, sex, pregnancy, childbirth or other related medical condition, gender identity or presentation, sexual orientation, religion, age, physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV Infection or signs or symptoms thereof.



**STANDARDS FOR PROPER INTERACTION WITH TRANSGENDER COMMUNITIES:
FOR NEW POLICE DEPARTMENT BULLETINS**

Name Usage and Forms of Address

- Police personnel should address transgender individuals by their adopted name. In addressing or discussing transgender individuals, members should use pronouns appropriate for the adopted name (e.g., "she, her, hers" for a male-to-female transgender individual named Jane; "he, him, his" for a female to male transgender individual named "John"). If members are uncertain which pronouns are appropriate, members should respectfully ask the individual for clarification (e.g., "Do you prefer to be referred to as 'she' or 'he'?").
- Individuals have the right to be addressed with names, titles, pronouns, and other terms appropriate to their gender identity. The refusal of law enforcement and jail personnel and other persons to address individuals appropriate to their gender identity is a form of harassment.
- Any officer, agency, department, or supervisor will not tolerate disrespectful language or behavior from its staff, administration, employees, individuals, or clients toward or about transgender individuals an individual because of that individual's gender identity or presentation.
- It is a form of harassment to make and act upon assumptions about a person's sexual orientation based upon that individual's gender expression or identity.

Investigative Stops and Searches of Persons by Police

- During a detention or an arrest, searches may never be used to determine the gender identity of the detainee.
- Individuals may not be subjected to selective stops based solely upon the perception that they are transgender.
- When responding to a complaint made by a transgender person, police must address the complaint itself. A complaint or call for help from a transgender person must not be ignored or simply turned into an investigation of the caller.
- Police will treat the person appropriate to the person's gender presentation. This includes addressing transgender persons by their adopted, preferred, and/or gender appropriate name, and using the pronouns appropriate to the gender asserted and/or expressed.

- ~~Proof of gender of a person, except when legally necessary, shall not be required. Someone who is perceived to be transgender shall not be made to describe whether his or her genitals are male or female.~~ It is prohibited conduct to request proof of a person's gender, except when legally necessary. No individual shall be made to describe their genitalia for any purpose. Challenging someone's gender, or asking questions about intimate details of a person's anatomy, without legitimate and articulated reasons to do so, can be considered as harassment, and an invasion of privacy.

Booking of transgender/transsexual arrestees:

- Booking shall not be done at the district station. Officers must arrange for immediate transport to 850 Bryant (per SFPD form 54 - Medical Screening)
- Gender is determined by an arrestee's self-identification. If the question of gender cannot be determined through an interview with the arrestee, SF Health Department personnel shall make the final determination.
- Always use the legal name listed on a driver's license or state identification card as the booking name. Always add the AKA to the appropriate field if it is being currently used by the arrestee or if it is connected with associated prior arrests. Always list the AKA and use it in addressing or referring to the arrestee, when the gender identity is different than the legal name.
- If the legal name and the gender identity are the same, an AKA from prior gender presentations, including arrest records, must not be used unless it is relevant to the current offense.
- Officers must recognize and respect gender identity changes that have been made in the database. The gender listed in the database must then be used unless the officer sees a legal document identifying a name different from the information in the database.

Detention:

- Searches may never be conducted to determine gender identity or sex.
- Officers must expedite transport for transgender individuals, utilizing the same standards for women and those with special needs. The length of detention of transgender arrestees should be kept to a minimum.

- Transgender arrestees may not be detained in a holding cell at any district station.
- Transgender arrestees must be escorted to the bathroom that matches their gender identity. The escorting officers must be of the same gender identity as the arrestee.
- In a holding area at or outside a district station, such as those used during mass arrests, detainees must be segregated according to their gender identity, i.e. transgender women (male-to-female) being held with women and transgender men (female-to-male) being held with men. Officers must diligently protect transgender detainees from violence and/or harassment from the public or from other detainees.

Transport:

- All transgender detainees, including women (male-to-female), men (female-to-male), and individuals whose gender identity is indeterminate to the officer must be transported according to the protocol regarding transporting female detainees per the standards communicated in DGO 2.01.36 "TRANSPORTING OF FEMALES AND TRANSGENDER INDIVIDUALS". Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a department vehicle, whether due to detention, arrest, or any other reason, an officer shall notify ECD with the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the member shall immediately notify ECD and provide the vehicle's ending mileage. ECD shall broadcast the starting and ending times as an appropriate response confirming the officer's broadcasts.
- Transgender detainees, or a detainee whose gender is indeterminate to the officer, must not be subjected to strip search to determine gender identity.



SUPPORTING ANECDOTAL TESTIMONY

The following anecdotal testimony was gathered from several sources: SF HRC public hearings on discrimination against transgender people, interviews with transgender and transsexual people conducted on behalf of the National Lawyers Guild, and interviews with CUAV personnel.

Many members of the transgender community living in San Francisco complain that police officers regularly presume that transgender people are engaged in prostitution or involved in drug use simply by virtue of being transgender. Without justifiable suspicion, the officers tell transgender people on the street to "move along," or "go home." Such harassment unfairly targets low-income transgender people. Many transgender people in San Francisco who are low-income have episodes of homelessness, which may force them to live on the street. Many do not have cars and do not use public transportation to avoid being at risk in a tightly enclosed crowd. Some TG people of color also have experienced racial profiling when officers single them out of a racially mixed crowd of transgender people.

People report that police often stop transgender people for questioning and searches for no justifiable purpose. Some people report that some police personnel behave in a manner solely calculated to humiliate the person being detained: demanding the person's "real" name despite being given valid I.D; addressing the detained person in inappropriate terms (e.g., calling a male-to-female transgender woman "he" instead of "she"), ripping off wigs and other hair appliances, and otherwise harassing the person on the basis of gender identity or expression

In addition, many TG people complain of being searched by the police, not to find weapons or contraband, but merely to determine the detained person's genitalia. These searches often occur when the person is under suspicion for a misdemeanor, such as prostitution.

When performing an investigative stop, police must be able to point to specific and articulated facts, which reasonably warrant the intrusion. This means that in order for police suspicion to be reasonable enough to interfere with a person, that suspicion must be based on particular facts about that particular person. Consequently, no police stop or questioning is justified if it is based solely on a general characteristic or membership in a general group. Moreover, a person's mere presence in a location where a crime might occur is also insufficient to justify an intrusion by police.

In addition, when conducting a search pursuant to a stop, police may only search for weapons, contraband, or other evidence related to the purpose of the investigative stop, not to determine genitalia. Police may only conduct a strip search of an arrestee for a misdemeanor if the misdemeanor involves violence, contraband, or weapons or if a police officer has a reasonable belief that the arrestee possesses a weapon or contraband on her or his person. A court has already awarded damages against the City and County of San Francisco for conducting an unconstitutional search of a transgender person.



RED FLAGS/FLASHPOINTS FOR SCENARIOS

1. POSSIBLE DOMESTIC VIOLENCE RED FLAGS

Signs of a struggle

Female pulls up sleeve and displays bruises, which may be signs of injury

Male yells out "That bitch is really a dude!"

WHO DO YOU ARREST?

2. POSSIBLE ID RED FLAGS

Driver pulled over for running red light. Officer perceives driver to be male. ID says "female" and driver advises officer that he is transgender as he hands it to officer.

CITE OR DO NOT CITE?

Officer learns that license is suspended.

ARREST OR DO NOT ARREST?

Officer learns that driver has a misdemeanor warrant

ARREST OR DO NOT ARREST?

3. POSSIBLE PROSTITUTION RED FLAGS

In Polk Gulch, a flamboyantly dressed female is seen talking to a man through the driver's window. She begins to get into the car. The officer intercedes.

ARREST OR DO NOT ARREST?

The woman states that the man is her uncle and he is repaying a loan

ARREST OR DO NOT ARREST?

The man is recognized as a well-known john.

ARREST OR DO NOT ARREST?

A bar owner calls out from his business doorway, "Arrest that trannie whore!"

ARREST OR DO NOT ARREST?

4. POSSIBLE DRUG RED FLAGS

In the Tenderloin, an officer sees two men yelling at each other in the street. The officer stops to investigate. The IDs are in order. The dispute is over a backpack and as they struggle, a baggie full of needles falls out.

ARREST OR DO NOT ARREST?

Officer inquires about medical condition. One man states that he is Female-to-Male and the needles are for his hormones.

ARREST OR DO NOT ARREST?

The transgender man is unable to provide a prescription for the needles but claims he has one at home.

ARREST OR DO NOT ARREST?



SFPD ROLL CALL TRAINING LESSON

SUBJECT: The correct use of names and pronouns with transgender persons

PRETEST:

Question to officers: What is the proper pronoun to use when addressing a transgender person?

Answer: Officers should verbally address all persons with respectful titles matching the individual's preference, i.e. Mr. Ms. Mrs. Dr. etc.

SCENARIO:

An Officer detains a pedestrian for crossing the intersection against the red light. The pedestrian is dressed in a blouse and skirt, is wearing make-up, high heels and hosiery, and carries a shoulder bag. The Officer asks for ID and the pedestrian hands over a license with a male name and picture. The pedestrian explains that she soon will apply for a new license.

The officer calls the pedestrian by the name on the license, "Joseph", and uses male pronouns throughout the questioning, even though the pedestrian has identified that she is male-to-female transsexual and has told the officer that the correct name of usage is "Jennifer". After issuing a citation to the pedestrian, the officer suggests that "Joseph" should dress in male clothing until the new ID arrives, so that "Joseph" will not be using fraudulent ID. The officer concludes with the statement, "Have a good evening, Sir."

CRITICAL ISSUES:

- The proper course of action is to note the legal name on the citation and to use the individual's preferred name and pronouns (in this case female) when speaking with the pedestrian.
- The officer should explain why they must issue the citation to the former (male) name as opposed to the new (female) name if a legal name change has not yet taken place.
- **Note:** It is not considered to be fraud to have an ID with a different name and sex on it that differs from gender expression and identity given.
- An officer must never recommend that a person wear clothes that are traditional to the former gender or insist that it must be done to prevent appearing fraudulent.
(GO No. XXX - Due Respect, GO No. XXX - Protected Categories, Sgt. Thorne's Class Notes from Police Academy)

RELATED ETHICS:

It is important to treat all persons with respect while conducting police business. It is important to convey accurate information regarding the law.

POST-TEST EXERCISE/PRACTICE:

An Officer detains a pedestrian for crossing the intersection against the red light. The pedestrian is dressed in a blouse and skirt, is wearing make-up, high heels and hosiery, and carries a shoulder bag. The Officer asks for ID and the pedestrian hands over a

license with a male name and picture. The pedestrian explains that she soon will apply for a new license.

(This time)The officer notes the legal name as "Joseph" on the citation. The officer explains that he or she must write the citation to the legal name on the license. The officer addresses the pedestrian as "Ms. Smith", and refers to her using female pronouns. The officer concludes with the statement "Have a good evening, Ma'am".

Question to officers: Did the officer handle the situation appropriately?

Answer: Yes

REFERENCES:

GO No. XXX (Due Respect), GO No. XXX (Protected Categories), Sgt. Thorne's Class Notes from Police Academy Trainings

SUBMITTED BY:

Stephan Thorne, Sergeant, Ingleside Station

DATE:

December 4, 2002

SFPD ROLL CALL TRAINING LESSON

SUBJECT: How to correctly respond to a domestic violence situation involving a transgender person

PRETEST:

Question to officers: What is the proper pronoun to use when addressing a transgender person?

Answer: Officers should verbally address all persons with respectful titles and pronouns matching the individual's stated or expressed preference, i.e. Mr. Ms. Mrs., he, she, him, etc.

Question to officers: What are proper elements in determining the primary aggressor?

Answer: Officers need to make appropriate judgements based on an evaluation of all of the evidence at the scene. Officers should consider signs of struggle, wounds, witness testimony, prior history, and other non-biased indicators when determining who is subject to arrest and why.

SCENARIO:

Officers answer a call about a domestic dispute, arrive on the scene, and enter the home. A man and woman are observed screaming profanities at each other and there are signs of struggle in the room. As the officers separate the pair in order to investigate the scene, the first detainee screams out "That bitch is a man and his name is Fred!"

Upon hearing this information regarding the second detainee's identity, the officer decides that the second detainee is a man and categorizes the incident as "assault" rather than "domestic violence". The officer begins using male pronouns and calling the detainee "Fred." Detainee tells the officer her name is "Charlene" and that she is not a man and she shows the officer wounds on her neck and forearms. The officer ignores the nature of the injuries and categorizes the second detainee as the primary aggressor because of greater size. The officer arrests the second detainee without further assessing the scene.

CRITICAL ISSUES:

- The proper course of action is to use the individual's preferred name and pronouns (in this case female) when speaking with and about the detainee.
- The proper course of action is to determine the primary aggressor by assessing the injuries (obvious and subtle, defensive and offensive) of each detainee as well as assessing the scene for signs of a struggle and various other indicators of aggression. The officers needs to recognize their own personal bias and make appropriate judgements based on fact.

(General Order No. 2.01 - Due Respect; General Order No. 1107 - Protected Categories; Class Notes from Police Academy Transgender Trainings)

RELATED ETHICS:

It is important to treat all persons with respect while conducting police business. It is important to objectively evaluate domestic violence calls in order to be able to accurately assess who is the primary aggressor and take appropriate actions. It is important to recognize and not act upon personal bias.

POST-TEST EXERCISE/PRACTICE:

Officers answer a call about a dispute and arrive on the scene. A man and woman are observed standing on the sidewalk screaming profanities at each other. As the officers separate the pair in order to take one statement at a time, the first detainee screams out "That bitch is a man and his name is Fred!"

The officer recognizes the information provided by the first detainee as irrelevant and respectfully asks the second detainee what name she uses. After learning that the second detainee's name is "Charlene", the officer uses that name and female pronouns when addressing and referring to the second detainee. The second detainee claims that she was attacked. The officer checks for injuries and determines that the second detainee has wounds on her neck and defensive wounds on her forearms. After assessing the scene, the officer arrests the first detainee. The officers give appropriate domestic violence resource referrals to the second detainee.

Question to officers: Did the officer handle the situation appropriately?

Answer: Yes

REFERENCES:

General Order No. 2.01 (Due Respect), General Order No. 1107 (Protected Categories), Class Notes from Police Academy Transgender Trainings

SUBMITTED BY:

Stephan Thorne, Sergeant, Ingleside Station

DATE:

May 22, 2003

Definitions

These terms are words that individuals use to describe themselves; therefore, there is no one universal definition available and these definitions are still evolving over time.

Transgender:

An umbrella term that includes anyone whose gender identity and/or expression does not match society's expectations of how an individual who was assigned that particular sex at birth should express their gender, including but not limited to, female and male cross dressers, transvestites, drag queens or kings, female and male impersonators, pre-operative, post-operative and non-operative transsexuals who may or may not use hormones, masculine females, feminine males, and all persons exhibiting gender characteristics and identities which are perceived to be androgynous.

Female or Male Cross Dressers:

Individuals who occasionally wear clothing that is perceived to be conflicting with their assigned sex at birth.

Transvestites:

Male cross dressers who are heterosexual. (*This is a clinical term from the DSM IV, which is a manual of psychological classifications*).

Drag Queens or Kings and Female or Male Impersonators:

Drag Queens and Drag Kings mostly are lesbian, gay, or bisexual. Female or Male Impersonators refers to individuals who impersonate a different gender for entertainment purposes.

Transsexuals:

Individuals whose gender expression or identity is perceived to conflict with their birth sex, and who may or may not begin or continue the process of hormone replacement therapy and/or gender confirmation surgery. Some transsexual people are not

able, or do not elect to undergo a physical transition using hormones and surgery. For others, it may be of absolute necessity to have surgical and/or hormonal treatments. (This is a clinical term from the DSM IV, which is a manual of psychological classifications).

Female-to-Male (FTM):

Individuals who were assigned female at birth and who may be in the process of or have transitioned from female to male.

Male-To-Female (MTF):

Individuals who were assigned male at birth and who may be in the process of or have transitioned from male to female.

Masculine Females:

Individuals with a female gender identity and who have or are perceived to have masculine characteristics.

Feminine Males:

Individuals with a masculine gender identity and who have or are perceived to have feminine characteristics.

Gender non-conforming:

Individuals whose gender identity and/or expression is not completely male or female or is entirely outside of this binary, including individuals who do not conform to expectations of a specific gender role and individuals who express both masculine and feminine qualities; may sometime self-refer as "genderqueer"; have also been referred to as androgynous or genderqueer.



The San Francisco Human Rights Commission
In conjunction with Assemblyman Mark Leno's Office,
Supervisor Sophie Maxwell's Office, the Mayor's Office
Neighborhood Services, and the SF Department of the Environment

Environmental Racism Workshop II: Health

Invited speakers to cover:

Air Quality
Provision of Health Services
Food Security

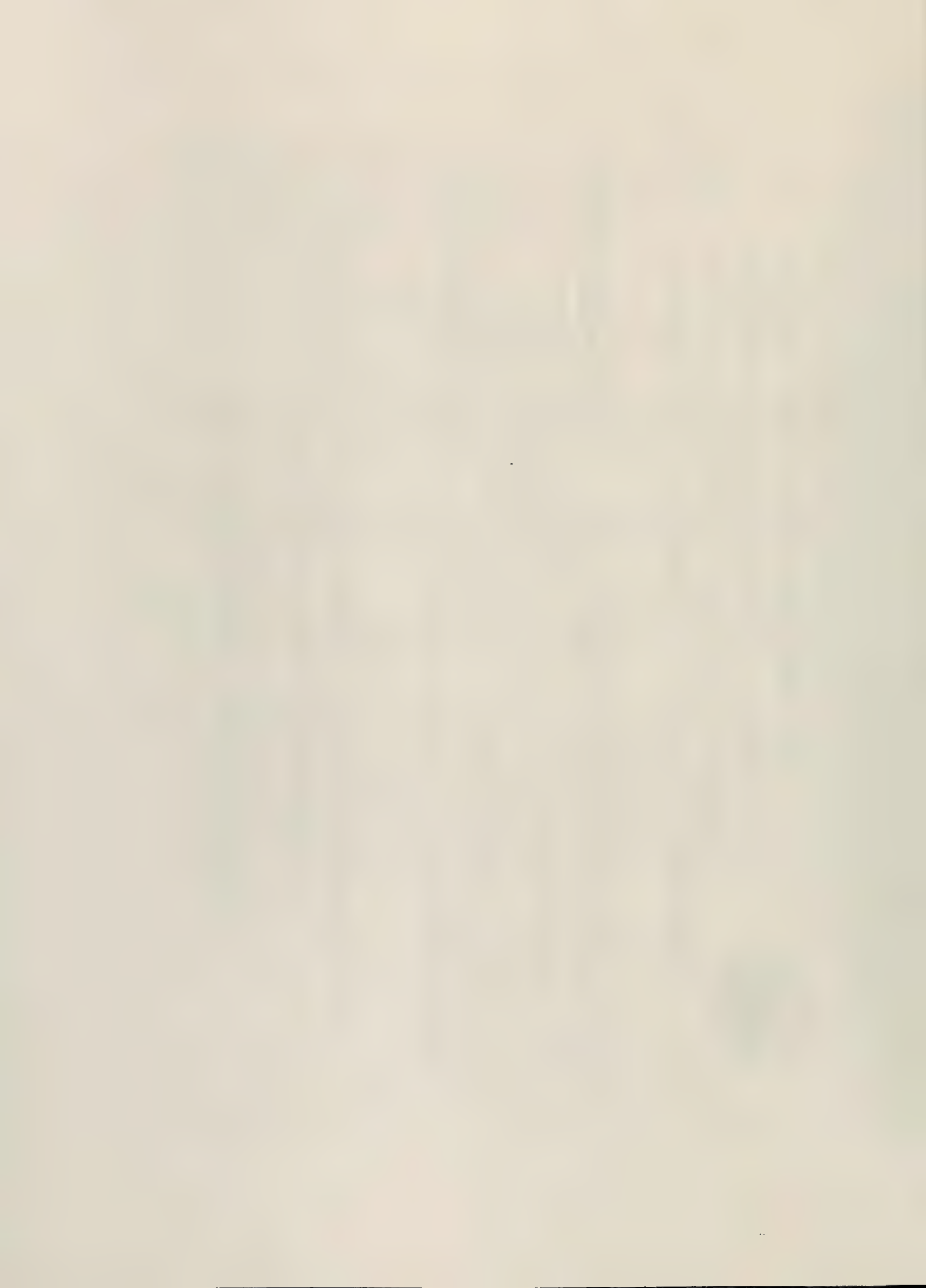
PLEASE POST

Wednesday, May 21st, 1pm - 5pm
Southeast Community Facility
1800 Oakdale Avenue

The Commission is responding to residents of the BVLIP who requested
an investigation into Environmental Racism.

Information on future workshops is forthcoming.

Human Rights Commission Phone: 415-252-2500 Fax: 415-431-5764





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Director

2002 GUIDELINES FOR HRC ADVISORY COMMITTEES

Advisory committees are an integral and vitally important component of the Human Rights Commission, providing for community involvement and for the opportunity for in-depth study and exploration of issues.

The Human Rights Commission (HRC) maintains ~~five~~ four advisory committees. They are the 1. Employment Committee; 2. Issues Committee; 3. Lesbian Gay Bisexual Transgender Advisory Committee; and 4. Minority/Women/Local Business Enterprise Advisory Committee ~~and~~ 5. ~~Youth and Education Community Advisory Committee~~. The Chair of the Commission assigns Commissioners and appoints members from the Community to these committees.

The Employment Committee has members representing business, government, labor, and community interests. This Committee meets on the first Thursday of the month from 1:30p.m. to 3:30p.m. at the HRC. The work of the Committee includes: providing advice and assistance to the Commission regarding diversity and discrimination in employment; reviewing staff reports on the employment patterns of City contractors and recommending positions for the Commission to take on legislation affecting equal opportunity in employment.

The Issues Committee focuses on issues related to immigration and undocumented aliens; law enforcement and public safety; fair housing, prejudice-based violence, youth and education, and other specific issues within the Commission's jurisdiction delegated to the Committee by the Chair of the Commission. The Committee meets on the second Wednesday of the month from 5:30 P.M. to 7:30 P.M. at the Human Rights Commission offices.

The Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) was established in May of 1975 by amendment to Chapter 12A of the San Francisco Administrative Code. The Committee must have at least three members who reside in San Francisco. The Committee membership strives to represent the diversity of the Lesbian, Gay, Bisexual, and Transgender communities. This Committee meets the third Tuesday of the month from 5:30p.m. to 7:30p.m. at the HRC. The Committee provides assistance and advice to the Commission regarding discrimination against the lesbian, gay, bisexual, and transgender communities; advocates for the civil rights of persons with AIDS/HIV; and educates the lesbian, gay, bisexual, and transgender communities about issues of diversity within those communities.

The Minority/Women/Local Business Enterprise Community Advisory Committee, mandated by Rule IIB. of the HRC Rules and regulations implementing Chapter 12D of the San Francisco Administrative Code, was formed in March of 1985. Its members are drawn from local business, labor, minority and women interests groups, trades and professions, City or



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights



governmental agencies and community organizations. The Committee has no fewer than eleven members. The Committee advises and makes recommendations to the Commission on the development, implementation and monitoring of the Minority/Woman/Local Business Enterprise (M/W/LBE) Ordinance and Program. The Committee meets every third Wednesday of the month from 5:30p.m. to 7:30p.m. at the HRC offices at 25 Van Ness Avenue, #800.

~~**The Youth and Education Advisory Committee** addresses issues on education and youth, including but not limited to disparate treatment based on race, gender and/or sexual orientation, which impact the youth of today. The Committee further serves as a forum for youth members to experience government functions and advises, makes recommendations and informs the Commission on youth and education issues prevalent in today's society. This Committee meets the first Wednesday of the month from 4:30p.m. to 6:00p.m. at the HRC office at 25 Van Ness Avenue, Suite 800.~~

FUNCTION AND OPERATION OF THE ADVISORY COMMITTEES

1. The Commission Chair appoints committee members for one-year terms beginning March 1 and ending February 28, ~~with the exception of the Youth and Education Committee where members serve from September 1 through August 31.~~ The recruitment process includes the following steps:
 - a. A recruitment task force made up of 2-3 Committee members, staff, and the Chair or Vice Chair is appointed by each Committee Chair to handle recruitment efforts for that committee.
 - b. Members are recruited through an outreach effort undertaken by each Committee, using such devices as press releases, flyers, and word of mouth to let the community know that the Committee is seeking new member applicants. Diversity of membership is a primary goal in the recruitment effort.
 - c. Applicants submit a letter to a designated staff person stating why they are applying, what they can bring to the Committee, and a summary of their experience working on issues with which the Commission is charged.
 - d. The recruitment task force reviews the application letters and selects interviewees. Interviewees are sent a letter inviting them to an interview. The questions they will be asked are attached to the letter.
 - e. The recruitment task force conducts the interviews and selects individuals to recommend for appointment by the Commission Chair. The Commission Chair at a Commission meeting announces appointments.
- ~~1-2.~~ The role of the advisory committees is to provide advice and assistance to the Commission by developing and examining ideas and issues within the jurisdiction of the Commission. Advisory Committees may not initiate any investigations, hearings, or other work or use City resources in the pursuit of matters that do not fall within the Commission's jurisdiction. Chapter 12A of the San Francisco Administrative Code described the Commission's jurisdiction as being limited to "discriminatory practices and to resulting intergroup tensions," and names the protected categories that are to be addressed when discussing discriminatory practices. The committees may also hold public hearings and make recommendations of positions for the Commission to take on legislation.

~~2.3.~~ Advisory committees hold one meeting per month, usually averaging ten meetings per year. Each committee has a standard meeting time and all meetings are open to the public and subject to public meeting and accessibility laws.

~~3.4.~~ Advisory committees are to make conscious efforts to present all sides of an issue, prior to taking action and forwarding a recommendation to the Commission. Speakers presenting opposing views should be invited whenever possible.

~~4.5.~~ Advisory committees are to consult with staff for guidance, including securing legal advice as appropriate, prior to undertaking work leading to a recommendation concerning pending State or Federal legislation or policies.

~~5.6.~~ When the City has adopted an official position to endorse, oppose or remain neutral on pending State or Federal legislation or policy that affects matters within the Commission's jurisdiction, advisory committees may undertake work in support of that position. Neither the Commission nor advisory committees may undertake work or take a position that is inconsistent with the City's official position.

~~6.7.~~ In the absence of an official City position, advisory committees may develop and make available information and analysis of the impact of pending State or Federal legislation that affects matters within the Commission's jurisdiction. Advisory commissions may request the Commission to adopt a resolution urging the Board of Supervisors to act in the manner supported by the advisory committee's information and analysis.

~~7.8.~~ Similarly, advisory committees may develop and make available information and analysis of the impact of pending City ordinances or policies. Advisory committees may request the Commission to adopt a resolution urging the Board of Supervisors to act in the manner supported by the committee's information and analysis.

~~8.9.~~ Neither the Commission nor its advisory committees may use public resources to take sides in any election, including any state or local ballot initiative. Under no circumstances may the Commission or any of its advisory committees endorse or use any City resources to promote a candidate in any election. The Commission, after consultation with the City Attorney's Office, may direct an advisory committee to study fairly and impartially the impact of a ballot proposition or initiative on matters within the Commission's jurisdiction.

~~9.10.~~ Only the Committee Chair, or a member designated by the Committee Chair, may speak on behalf of an advisory committee. Individual members of advisory committees are free to express their personal opinions on any matter and to identify themselves as advisory committee members, but must make clear that they are not speaking on behalf of the advisory committee, Commission, or the City and County of San Francisco.

~~10.11.~~ At the discretion of the Chair, except where the City Charter or other laws require other procedures, advisory committee meetings shall be governed by the most recent edition of Robert's Rules of Order.

~~11.12.~~ Every meeting of every advisory committee requires the presence of a quorum of committee members. In the absence of a quorum, committee members may informally

discuss matters of common interest but may not take any action such as issuing directives to staff or making recommendations to the Commission.

- ~~12.~~13. All members of an advisory committee shall participate in every decision at every meeting at which they are in attendance, unless a member has a conflict of interest which legally precludes that member's participation. Members may not abstain without cause.

COMMISSIONER RESPONSIBILITIES

1. Commissioners serve as Committee Chair and/or Vice-Chair to provide leadership for, and set policy in, the operation of the advisory committees. Committee Chairs are to work closely with Committee staff.
2. Regular and active participation by the Committee Chair and Vice-Chair in meetings is essential for the effective operation of the advisory committee. Additionally, they should be knowledgeable of the mandates of the Commission and the advisory committee on which they serve.
3. The Chair of the Commission shall appoint the Committee Chair and Vice-Chair of each advisory committee for a one-year term beginning March 1 (except for the Youth and Education Committee, which begin on September 1).
4. Commissioners identify and participate in issues and events pertinent to committees and, when appropriate, represent the Commission and/or the advisory committees before other bodies pertinent to the committees.
5. All recommended actions, proposed resolutions, or reports coming from the advisory committees to the regular meetings of the Commission do so through the Committee Chair or Vice Chair or their designee. The Committee Chair will introduce the agenda item, any guest speaker(s), present a brief summary of advisory committee action, and state what action the Commission is being asked to take. If Commission action is required or requested (such as adoption of a proposed resolution or letter,) the Committee Chair moves that such action be taken. This motion will open the discussion by the full Commission.
6. The Committee Chair, in consultation with its Committee Staff is to approve the items for the meeting agenda.
7. The Committee Chair may cancel or reschedule the committee meeting for that month if the regular meeting day falls on or is adjacent to a legal, religious, or appropriate cultural holiday or whenever the Committee Chair ascertains that insufficient committee members will be able to attend to establish a quorum or meaningful meeting.
8. Commissioners are encouraged to work toward consensus with committee members on all issues and to ensure that committee meetings are inclusive and respectful of the diversity of members and the public.

9. Commissioners should notify Committee Staff when unable to attend and should suggest a temporary Chair for the advisory committee to elect to conduct the meeting.

COMMITTEE MEMBER RESPONSIBILITIES

1. Membership on each advisory committee is for a one-year term beginning on March 1. Except for the Youth and Education Committee which is for a one-year term beginning on September 1.
2. Committee members serving on HRC advisory committees must represent the highest standards of sensitivity to and genuine respect for the mission of the Human Rights Commission. The free exchange of ideas and differing points of view are strongly encouraged as long as these are not inconsistent with respect and tolerance for diversity. Members who fail to abide by this code of tolerance may be asked to resign from the Committee.
4. It is the responsibility of Committee members to attend regularly and to participate actively in advisory committee meetings. Due to concerns regarding membership continuity and the necessity for performing the Committee's duties, if a member accumulates three (3) absences during a one year period, that person will no longer be considered a member of that committee. Members excused for accumulating three (3) absences during a one year period are encouraged to attend Committee meetings and may be asked to continue to participate as a non-voting member of the Committee.
5. Committee members may suggest appropriate issues for the entire Committee to consider. However, staff develops the committee agenda in consultation with the Committee Chair taking into account the Committee's jurisdiction and resources.
6. Committee members shall assist in the drafting of letters, resolutions, reports, and other documents on which the committee votes to send to the commissioners for approval, and shall assist in the organization of panels and presentations.
7. Committee members may not represent the Committee on which they serve or the Commission before any other bodies without the express consent of the Chair of the Commission. Service on a Committee does not prohibit Committee members from speaking in an individual capacity or participating in government as members of the general public.

STAFF RESPONSIBILITIES

1. The role of the HRC staff is to facilitate and ensure the effective and efficient operation of the Committees. To this end, Committee staff is responsible for logistics, meeting preparation and follow up, the orientation of members, and assuring compliance with the Sunshine Ordinance, City policy, Commission policy, and committee mandates:
2. Staff consults with the Committee Chair and Vice-Chair regularly, giving guidance to Commissioners regarding the jurisdiction of the Human Rights Commission and assisting them in carrying out their policy-making role. If it is determined that a proposed item for

discussion is not under the Commission's jurisdiction, staff conducts research as to whether the item has been handled by other agencies, or to which agency or agencies an item can most appropriately be referred.

3. Staff develops the committee agenda in consultation with the Committee Chair.
4. Staff develops committee items for the Commission agenda in consultation with the Committee Chair.
5. Staff is responsible for scheduling meetings; reserving a meeting place in advance; sending out meeting notices; preparing and posting, as required by the Sunshine Ordinance, a detailed agenda at least 72 hours in advance of the meeting; preparing minutes of the meeting; handling incoming and outgoing correspondence; doing follow-up as directed by the Committee and/or its Chair; scheduling Committee presentations on issues; drafting position papers and proposed resolutions; acquiring background and source material, as appropriate, for distribution to the committee; and attending the Commission meeting when their committee has an item, including committee report, on the agenda.
6. Staff provides all pertinent documents for the Commission agenda, including copies of any proposed resolution or letter, and/or any supporting material, to the Commission Secretary by the deadline set by the Commission Secretary.
7. Staff provides, approximately a week in advance of the Committee meeting, a packet mailed to Committee members containing the agenda, draft minutes, and all pertinent documents, including copies of any proposed resolution or letter, and/or any supporting material.
8. Staff presents an annual orientation for new committee members, and provides an informal orientation for any Commissioners or members joining the committee during the year.
9. Staff identifies groups or agencies from which to solicit new members and/or key individuals to be invited to apply for membership in order to broaden the representation on the committee. Letters requesting nominees from a group or thanking a member for services rendered are prepared by staff in the name of the Committee Chair with his/her approval. Staff confers with the Committee Chair regarding member participation and attendance in order to recommend to the Commission Chair whether members should be reappointed when their term ends. Letters appointing people to a committee, conferring reappointment, or removing a member from the committee, are prepared by staff in the name of the Commission Chair with his/her approval.
10. Staff schedules speakers for committee and Commission meetings, advising speakers of time limits and that they should be prepared to answer questions.
11. Staff reports regularly to the Director, who is charged under the City Charter with sole authority for administrative matters pertaining to Advisory Committees. Staff keeps the Director informed as to issues proposed for consideration by the Committee, the progress of those issues, and any committee problem staff identifies. The Director, in turn, keeps the Committee Chair informed regarding issues and problems.

12. Staff maintains subject files for committee work. Because issues may evolve over time, staff should maintain files, which include background material, clippings, and resource people.
13. Staff maintains archival materials regarding the Committee's work.





MEMORANDUM

DATE: May 22, 2003

TO: MEMBERS, HUMAN RIGHTS COMMISSION

FROM: Selormey Dzikunu and Preston Tom
Contract Compliance Officers

SUBJECT: Port of San Francisco Local Trucking Policy

The contracting procedures of tenants of City property are not subject to Chapter 12D.A. of the Administrative Code. Because of this, in November of 2001 the Port of San Francisco adopted a local trucking policy to be implemented in all Port leases wherein a tenant's operation involves substantial trucking activity. HRC staff assisted the Port in creating this policy, which states that tenants must make good faith efforts to contract 60% of their trucking opportunities to HRC certified truckers. The tenants are required to report their contracted trucking activity on a monthly basis. A copy of the trucking policy language that is incorporated into the lease agreement is attached to this memorandum.

The policy is currently in effect on two Port leases. One lease is with Bode Gravel Company, at Pier 92. The other is with Hanson Aggregates, Mid-Pacific Inc., at Piers 92 and 94. Data concerning their most recent trucking activities is attached. As you can see, for the 1st Quarter of 2003, Bode Gravel offered \$142,133.00 (83%) worth of trucking opportunities to 3 HRC certified truckers, who accepted \$98,043.00 of that amount. This represents 57% of Bode Gravel's expenditures on contracted trucking.

For Hanson, 11 HRC certified truckers performed 100% of its directly contracted trucking. This amounted to \$62,136.00 of work. Additionally, Hanson's customers utilized 13 HRC certified truckers to haul 75,556 tons of material from Hanson's site. This represents 52% of all customer-contracted trucking. It should be noted that the policy does not require that Hanson encourage its customers to utilize HRC certified truckers. Nonetheless, Hanson has agreed to do so.

It is anticipated that a third tenant, RMC Pacific Materials Inc., will commence its occupancy of Port property at the beginning of next year. RMC has already agreed to comply with the Port's trucking policy.

Port and HRC staff are pleased that the policy has enabled certified truckers to obtain a significant amount of business in these private sector contracts. Additionally, we have learned that Bode Gravel has provided financial and technical assistance to a certified trucker, in order to allow that trucker to expand his capabilities. We also know that, as a direct result of this policy, 3 truckers have sought and received MBE certification from HRC.





MEMORANDUM

Date: April 28, 2003

To: Doug Wong, Executive Director
 Peter Dailey, Director Maritime
 Ken Winters, Director, Real Estate
 Elliott Riley, Property Manager
 Byron Rhett, Director, Planning & Development

From: Selormey Dzikunu
 Contract Compliance Officer, HRC

Subject: April 2003, Quarterly Report of the Utilization of Local Truckers by Bode Gravel

HRC staff has determined that Bode Gravel Company, a Tenant of the Port has made good faith efforts to comply with the local trucking requirements of the lease agreement. The lease agreement required Bode Gravel to utilize HRC certified Local, Minority and Woman owned truckers for 60% of all directly contracted trucking on and off the premises.

Bode Gravel Company's local trucker utilization for March 2003 is as follows:

TRUCKERS UTILIZED	AMOUNT PAID TO TRUCKER & % OF GOALS MET		CERTIFICATION/COMMENTS
	AMOUNT PAID	GOALS MET	
HRC CERTIFIED TRUCKERS			
Terrell Trucking	\$48,717		LMBE
S & A Pierce	\$26,209		LMBE
Shumante Trucking	\$23,117		LMBE
TOTAL	\$98,043	57%	
OTHER TRUCKERS			
*Viviano Trucking	\$44,090	0%	NON- HRC Certified Truckers Trained by Tenant to haul cement declined offer
West Bay Trucking	\$28,656	0%	NON
F.A Poli	\$1,337	0%	NON
TOTAL	\$74,083	0%	
TOTAL TRUCKING	\$172,126		
TOTAL VALUE OF HAULAGE LOCAL TRUCKERS OFFERED	\$142,133	83%	
TOTAL LOCAL TRUCKING DOLLARS & GOALS MET	\$98,043	57%	



There is a deficit of -3% in HRC certified local trucking participation in the tenants trucking operations. Bode Gravel reported that it had offered local truckers \$142,133 worth of hauling, but \$44,090 worth of cement haulage was declined.

The Port's lease Agreement with Bode Gravel Company states:

"Tenant shall not be in default of the provision if Tenant failed to meet the sixty percent (60%) threshold after first offering trucking opportunities to local truckers"

All HRC certified Truckers listed in the table above have been contacted and confirmed the fact that they declined \$44,090 worth of cement haulage offered by the Tenant.

In determining the percentage of goals met by the tenant the HRC has only considered the actual dollar amounts paid by the tenant to truckers for hauling. In order to meet the 60% local trucking requirements, the tenant had to offer at least \$103,276 of his trucking operations to HRC certified local truckers. The tenant offered \$142,133 out of the total \$172,126 trucking opportunities it had. HRC certified truckers accepted only \$98,043. The Tenant was short of the requirements by \$5,233.00

Good Faith Efforts

The HRC has determined that Bode Gravel made a good faith effort by offering HRC certified local truckers 83% of all available trucking opportunities. Bode Gravel also made a good faith effort by training HRC certified truckers to haul cement for his company. The tenant in addition gave financial assistance to an HRC certified local trucker to buy a cement hauling truck. Bode Gravel Company as part of their good faith efforts gave another HRC certified trucker, free of charge, a trailer when his services were no longer needed by the tenant.

The HRC has determined that Bode Gravel Company made good faith efforts to meet the 60% local trucking utilization requirements of the lease agreement.

**MEMORANDUM**

Date: May 14, 2003

 To: Doug Wong, Executive Director
 Peter Dailey, Director, Maritime
 Ken Winters, Director, Real Estate,
 Elliott Riley, Property Manager
 Byron Rhett, Director, Planning & Development

 From: Selormey Dzikunu
 Contract Compliance Officer, HRC

 Subject: *1st Quarter Report of the Utilization of Local Truckers by Hanson Aggregates Mid-Pacific, Inc.*

HRC staff has determined that Hanson Aggregates Mid-Pacific Inc., a tenant of the Port, has complied with the local trucking requirements of the lease agreement. The lease agreement required Hanson Aggregates to utilize HRC certified Local, Minority and Woman owned truckers for 60% of all directly contracted trucking on and off the premises.

Hanson Aggregate's local trucker utilization for the 1st Quarter of 2003 is as follows:

TRUCKERS UTILIZED	AMOUNT PAID TO TRUCKER & % OF GOALS MET			CERTIFICATION/COMMENTS
	TONS HAULED	\$\$	GOALS MET	
DIRECT CONTRACTS				
Hanson	9,274	\$62,136	100%	
Hanson's Customers	755,556	n/a	52%	
OTHER TRUCKERS	70,754		0%	
TOTAL TRUCKING	155,584	n/a		
TOTAL LOCAL TRUCKING DOLLARS & GOALS MET	84,830		100%	

From the foregoing, Hanson aggregates is deemed compliant with the requirements of their lease agreement with the Port. HRC certified trucking firms performed 100% of all Hanson's directly contracted trucking.





PORT OF SAN FRANCISCO
Southern Waterfront Maritime/Industrial Lease Language
For
Local Trucking Provisions

Local Trucking. As a material consideration for Port's agreement to enter into this Lease, Tenant agrees that, for all trucking opportunities associated with Tenant's operations at the Premises, including, without limitation, hauling of materials on and off the Premises, Tenant shall make good faith efforts to first use local truckers (as defined below).

For purposes of this Section, "truckers" means a business which provides trucking services for profit and includes sub-haulers and independent truckers as those terms are commonly understood within the trucking industry. "Local truckers" means those truckers that are certified by the San Francisco Human Rights Commission as "Local Business Enterprises" pursuant to the City's Minority/Women/Local Business Utilization Ordinance. (Administrative Code Section 12D.A.5.)

Without limiting the foregoing, to the extent that Tenant in its sole discretion directly employs or directly contracts with truckers for hauling of materials on or off the Premises, Tenant shall cause not less than sixty percent (60%) of all materials to be hauled in trucks operated by local truckers. Notwithstanding the foregoing, if Tenant fails to meet the sixty percent (60%) threshold, Tenant shall not be in default of this provision so long as Tenant first offered trucking opportunities to local truckers, and such truckers were unavailable or unwilling to haul materials to or from the Premises.

Tenant shall provide Port with a report setting forth the quantities of material hauled onto or off of the Premises during the preceding month and identifying the local truckers utilized by Tenant and the quantities of materials hauled by such local truckers, and, if Tenant failed to meet the sixty percent (60%) threshold, evidence and results of Tenant's outreach to local truckers during the applicable twelve-month period.

Tenant's failure to comply with the provision of this Section shall be deemed a material breach under the Lease subject to default provision of Section 23 of this Lease.

As of 2/14/03



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JUN - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, June 12, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: June 2003

June 05

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 11

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 12

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

June 17

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 18

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 19

"How to Use Your Certification"

Workshop-Purchasing

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

June 19

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

June 25

Environmental Racism: Health

1:00pm - 4:00pm

Southeast Community Facility

Commission

1800 Oakdale Avenue, SF

June 26

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[©Discussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for May (Kanios)
[©Discussion Item *Attachment provided*]
- b. Update on re-authorization of Chapter 12.D.A.
[©Discussion Item *No attachment*]
- c. Discussion of HRC budget for fiscal year 2003-04
[©Discussion Item *No attachment*]

6. APPROVAL OF LETTER TO POLICE COMMISSION RECOMMENDING THE ADOPTION AND IMPLEMENTATION OF TRANSGENDER PROTOCOLS AND TRAINING GUIDELINES (ARANA)

[☞Action Item *Attachment provided*]

7. POSSIBLE APPROVAL OF AMENDMENT TO COMMITTEE GUIDELINES TO RE-ORGANIZE COMMITTEE STRUCTURE (YOUTH & EDUCATION AND ISSUES COMMITTEES) VILLACARLOS/KANIOS/SMITH

[☞Action Item *Attachment provided*]

8. HRC DIVISION REPORT

Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division:

- a. Report on hate-based violence against the lesbian gay bisexual transgender communities, presented by Community United Against Violence (Brinkin)
[©Discussion Item *Attachment provided*]

9. COMMITTEE REPORTS

a. Presentation of HRC Committee's 6 month plan (Harmon)

[©Discussion Item Attachment to be provided at meeting]

b. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of May 20, 2003 Committee Meeting

[©Discussion Item No Attachment]

c. Minority/Women/Local Owned Business Advisory Committee (M/W/LBE)

Commissioner Shirley Dimapilis, Chair

Commissioner Charles Ward, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

i. Report of May 21, 2003 Committee Meeting

[©Discussion Item No Attachment]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

ITEM 5.A.

06-12-03

June 12, 2003

**San Francisco Administrative Code Chapters
12B, 12C and 12D.A Sole Source Waiver Report**

**This report contains the full list of sole source waiver requests
submitted to the HRC by City departments for the month of May.**

No. 1 SOLE SOURCE Department of Public Works requested a waiver for Caltrans, to provide archeological mitigation services.

Granted: Caltrans is the signatory to a Programmatic Agreement with the State Office of Historic Preservation to perform archeological surveys as necessary on the seismic upgrade project for the Central Freeway Tear Down Project.

No. 2 SOLE SOURCE Port requested a waiver for San Francisco Dry Dock, Inc. to provide emergency salvage and repair services of Drydock #1.

Granted: Pursuant to Administrative Code 6.60, emergency waiver granted for San Francisco Drydock repairs which posed a threat to the public safety.

No. 3 SOLE SOURCE Airport- Parking Management requested a waiver for Intertechnomics, Inc. to provide computerized parking access control and security system.

Granted: Intertechnomics has proprietary rights to hardware and software that supplements the existing system.

No. 4 SOLE SOURCE Department of Public Health requested a waiver for Depuy/Acromed to provide orthopedic implants and implant supplies.

Granted: Depuy/Acromed's orthopedic implants are required by physicians to provide the most benefit to the patient.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org





City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

ITEM 6
06-12-03

COMMISSIONERS

June 13, 2003

Malcolm A. Heinicke
Chair

Alicia Becerril
Vice-Chair

Ms. Connie Perry, President
San Francisco Police Commission
850 Bryant Street, Room 505
San Francisco, CA 94102

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Dear President Perry:

I am writing on behalf of the San Francisco Human Rights Commission ("HRC") regarding the work of the Transgender Community/SFPD Task Force that was created by the Police Commission in September 2001 by Resolution #55-01. Please find that resolution enclosed with this letter. We have reviewed the work product of that Task Force and we have voted unanimously today to strongly recommend that the Police Commission adopt and implement the work product of the Task Force.

For many years, there have been documented problems regarding interactions between some transgender individuals and some SFPD officers. There also have been challenges for some officers in knowing how to deal respectfully with transgender people. These kinds of "flashpoint" interactions, and the ensuing complaints from transgender people, led to the creation of the Task Force. The Police Commission recognized that the SFPD needed assistance from outside experts as well as input from transgender community members about how to improve and augment transgender community awareness trainings conducted by the SFPD.

At a meeting with the HRC in October 2001, SFPD Deputy Chief Bill Welch and Captain Dan Lawson, recommended the revision of Department General Orders ("DGOs") as another way to mitigate the problems by reiterating departmental policy to officers who may not have received transgender community awareness trainings at the Academy. In January 2002, the HRC began working with key police personnel recommended by the SFPD, transgender community members, and representatives from community-based organizations to begin the work of addressing the ideas presented in Resolution #55-01. The Task Force identified Work Group members who drafted the materials that are currently under consideration for adoption by the Police Commission.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



After more than a year of concerted effort, the training materials were created, the DGO revisions were identified, the report was drafted, and the entire packet was submitted to SFPD personnel, transgender activists, and community based organizations with a strong transgender client base, for their review and feedback. At every step of the way, the SFPD/Transgender Community Task Force maintained complete oversight of the project and its work product.

We are very pleased with the work product of that Task Force. We believe that these training materials, DGO revisions, and protocols represent the collaborative work of dozens of people, from SFPD Command staff, police officers, community activists, and HRC Commissioners and staff. We strongly recommend that the San Francisco Police Commission adopt and implement the work product of the Task Force.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

Enclosures



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian

Shirley Dimapilis

Wilfred Hsu

Martha Knutzen

Leslie D. Littleton

Antonio Salazar-Hobson

Theresa Sparks

Charles L. Ward

**RESOLUTION COMMENDING THE SAN FRANCISCO POLICE COMMISSION AND
OFFICE OF CITIZEN COMPLAINTS FOR DEVELOPING AND PASSING POLICY
STATEMENT #0390-99 WHICH CALLS FOR THE DEVELOPMENT
AND IMPLEMENTATION OF A TRAINING CURRICULLUM AND PROTOCOLS ON
THE TREATMENT OF TRANSGENDER INDIVIDUALS.**

WHEREAS, The Human Rights Commission has received reports of discriminatory treatment of transgender individuals by members of the police department and a recent report by Community United Against Violence found that approximately fifty percent of the violence experience by transgender people is perpetrated by police officers; and

WHEREAS, The Human Rights Commission is dedicated to protecting the civil rights of all San Franciscans, including the right to equal treatment and protection by the police; and

WHEREAS, The Office of Citizen Complaints developed Policy Recommendation #0390-99 that suggests augmenting training for both new recruits and experienced San Francisco Police Officers to improve their cultural competency in the treatment of transgender individuals; and,

WHEREAS, The Police Commission enthusiastically adopted the recommendation of the Office of Citizen Complaints and committed the staff of the Office of Citizen Complaints and Police Department to carrying out the recommendation by forming a task force for this purpose; and

WHEREAS, The Police Commission invited the Human Rights Commission to participate in this task force and contribute its expertise in addressing discrimination against transgender individuals, including in the area of law enforcement; now therefore, be it

RESOLVED, That the Human Rights Commission commends the Police Commission and Office of Citizen Complaints for its commitment to supporting a police force that is culturally competent and for developing and endorsing these recommendations; and be it further

RESOLVED, That the Human Rights Commission fully supports the goals set out by the Police Commission and will work with the Police Department and Office of Citizen Complaint to establish a joint task force comprised of government and community-based agencies, dedicated to developing protocols and procedures pursuant to the adopted recommendation.

Adopted by the Commission on _____

Kimberly Carver, Commission Secretary



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights





RECEIVED
AT 000

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

August 2, 2001

Fred H. Lau
Chief of Police

Dear Chief Lau:

At the meeting of the Police Commission on Wednesday, August 1, 2001, the following resolution was adopted:

RESOLUTION NO. 55-01

APPROVAL OF OCC POLICY RECOMMENDATION NO. 0390-99, "QUESTIONING OF TRANSGENDER INDIVIDUALS"

RESOLVED, that the Police Commission hereby approves OCC Policy Recommendation No. 0390-99, "Questioning of Transgender Individuals."

AYES: Commissioners Perry, Herrera, Friday
ABSENT: Commissioners Chan, Quaranta

Very truly yours,

Lieutenant Edward Geeter

Secretary

THE POLICE COMMISSION

1273/rct

cc: Director M. Dunlap/OCC

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

Policy Recommendation
Office of Citizen Complaints
Fourth Quarter 2000
Reference OCC # 0390 - 99

Subject: Questioning of Transgender Individuals

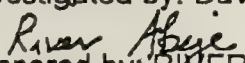
Recommendation: The Office of Citizen Complaints recommends that the San Francisco Police Department

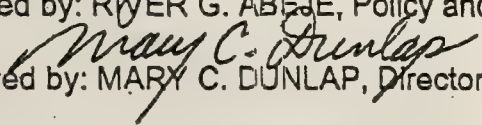
- (1) augment training at the Police Academy for both new recruits and experienced officers to provide guidance as to culturally competent language and behavior in the questioning and other treatment of persons who identify, or who are identified by officers, as transgender individuals; and,
- (1) invite appropriate personnel from the City's Human Rights Commission, Community United Against Violence (CUAV) and other expert institutions to participate in training SFPD sworn personnel, pursuant to the above; and,
- (1) standardize documentation as to transgender individuals in incident reports and other SFPD forms, to include, among other items, complete documentation for persons who use various (e.g., male and female) aliases.

Case Background:

Complainant, a self-identified transgender woman, was booked as a male. Complainant felt that the officer's language and attitude shown toward her were disrespectful of her gender identity. During OCC investigation, a supervising officer stated that he believed that officers would benefit from clarification of current training on documentation of transgender persons. OCC also has received information from several transgender individuals supporting this recommendation.


Investigated by: David Aulet, Investigator


Prepared by: RIVER G. ABEJE, Policy and Outreach Specialist


Approved by: MARY C. DUNLAP, Director

Date: December 11, 2000

REPORT OF THE POLICE COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO

History: In 1994, the San Francisco Human Rights Commission ("SF HRC") held public hearings to determine the civil rights status of transgender communities. Among many other findings gleaned from hours of testimony, it became evident that there were inter-group tensions between law enforcement/private security personnel and transgender communities. Subsequently, the San Francisco Police Department ("SFPD") conducted a series of community forums to learn more from the public about these issues and concerns. Finally, by utilizing data compiled by Community United Against Violence ("CUAV"), the problem became quantified: 49% of transgender people in the Bay Area, reporting incidents of bias-based violence, named law enforcement or private security personnel as the perpetrator of the incident.

The Office of Citizen Complaints ("OCC") drafted OCC Policy Recommendation #0390-99, calling for the creation of a Police and community task force to address the concerns of the community through policy changes and training program augmentation. On August 1, 2001, the Police Commission unanimously adopted Resolution # 55-01, which endorsed the recommendations of the OCC. In September 2001, the SF HRC passed the "Resolution Commending the San Francisco Police Commission and Office of Citizen Complaints For Developing and Passing Policy Statement #0390-99 Which Calls For The Development and Implementation of a Training Curriculum and Protocols on the Treatment of Transgender Individuals."

Process Summary:

In response to San Francisco Police Commission Resolution #55-01, the SFPD/TG Community Task Force first convened on January 28, 2002, and was comprised of Police Force personnel, community organizations, the SF HRC, and transgender community members. Three members from the Task Force, representing the SFPD, the SF HRC, and community-based organizations, formed the core of the working group which was responsible for the drafting, editing, and revising of the report, protocols, and training materials. After creating the documents, the work group submitted them to the Task Force for approval. Before the Task Force submitted the documents to the Police Commission, the drafts were circulated for input from transgender communities.

Mission and Goals of the Task Force:

Mission: To improve the Transgender Community/ Police Department relations including but not limited to, increasing understanding of respective needs and expectations, developing protocols for interaction, augmenting training hour allocations, creating gender identity trainings

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

for advanced officers, refining accountability mechanisms, and encouraging access to Police Department services and jobs.

Goals:

- Demonstrate the SFPD's commitment to transgender civil rights
- Increase the individual officer's sensitivity to gender identity issues and increase the overall departmental cultural competency regarding transgender communities
- Screen for bias in the hiring process in both candidates and evaluators of the candidates
- Encourage the SFPD to initiate the recruitment, hiring, training, and deployment of transgender officers
- Strengthen transgender community/police relations
- Strengthen departmental accountability processes, including adhering to departmental policies regarding interactions with transgender individuals

The Police Commission, at the recommendation of a Task Force convened by Resolution #55-01, hereby orders the Chief of Police to implement the following:

- 1. Broaden existing General Orders to acknowledge protection for people on the basis of gender identity – GO 2.01, GO 5.03, GO 11.07 (See Appendix E for recommended revised language)**
- 2. Revise SFPD Form 54 “Medical Screening”**
 - Change the second bullet on side two to read “transgender people”
- 3. Implement Protocols regarding proper interactions with transgender communities**
 - Draft periodic memos alerting officers to events or changes in circumstances in the transgender community
- 4. Implement the Department Bulletins as “A Priority” Bulletins (See appendix G**
 - Implement Investigative Stops Bulletin
 - Implement Name Usage and Forms of Address Bulletin
 - Implement Booking of Transgender/Transsexual Arrestees Bulletin
 - Implement Detention Bulletin
 - Implement Transport Bulletin
- 5. Implement the Roll Call Trainings drafted by the Task Force**

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

- Develop future roll call trainings to instruct officers on specific scenarios regarding legal identification; proper addressing of community members or suspects; appropriate and inappropriate uses of pat-downs and strip searches; identification of gender identity of witness and suspect on written reports; identification of gender identity hate crimes; dominant aggressor assessment in transgender relationships involving domestic violence; child protective services calls involving transgender parents; drug use assessment of transgender persons on hormones; and appropriate holding arrangements of transgender suspects, etc
- 6. Implement candidate screening materials for transgender bias**
 - Instruct the Examination Unit to develop transgender specific Q-2 scenarios for rotation into the oral boards
 - Instruct the Examination Unit to recruit transgender persons as civilian participants in oral boards
 - 7. Develop and implement training to screen anti-transgender bias in psychological evaluators**
 - Revise protocols for psychological assessment of officers to eliminate anti-transgender bias including providing training for psychological evaluators
 - 8. Increase the hours allotted for TCA (Transgender Community Awareness) Trainings for new officers**
 - Increase the hours of recruit training dedicated to transgender sensitivity from four hours to eight hours
 - 9. Develop and implement four hours of TCA trainings for advanced officers**
 - Provide senior officers with 4 hours of transgender community awareness training
 - Provide 8 hours of training for the staff in the police department's internal affairs unit
 - Provide 8 hours of training for the staff in the police department's vice unit
 - 10. Implement evaluation of TCA trainings**
 - Utilize consultants to evaluate the effectiveness of the SFPD training models, including developing baseline, measuring officers' social distance, knowledge, and ability to choose proper courses of actions with respect to the transgender community, through pre and post evaluation instruments
 - 11. Create a recruitment drive to hire, train, and deploy transgender officers**
 - Initiate recruitment campaign for the SFPD that is explicitly transgender inclusive
 - 12. Develop a community brochure on rights and responsibilities regarding interactions with law enforcement personnel**
 - Produce a joint brochure on rights/responsibilities between police and the transgender communities, including appropriate pronoun usage, due respect, increased vigilance enforcement, jay walking, prostitution, etc

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

- Police Department will distribute internally throughout the department. SFPD, SF HRC, Community based organizations, and community members will develop and outreach plan for distribution of the brochure

13. Include TG community members participation in Academy and Advanced Officer trainings

- Involve community members' participation in training of law enforcement through contact with community based speakers bureaus
- Provide stipends to community speakers participating in TCA Trainings

14. Encourage state-wide implementation of this model

- Provide training and technical assistance regarding these materials, policies, and protocols to other law enforcement jurisdictions and security agencies

15. Create a Police/Community joint body to review and evaluate implementation

- ☐ Involve SFPD, SF HRC, and transgender community representatives in reviewing and evaluating the implementation of these recommendations, commencing on the anniversary of the adoption of this Report

TASK FORCE MEMBERS:

Task Force:

Marcus Arana – SF HRC *
Inspector Tim Armour – SFPD
Larry Brinkin - SF HRC
Capt. Gregory Corrales
Tina D'Elia-Community United Against Violence (CUAV)
Claire Eustace – Intern/HRC *
Sgt. Joe Garrity – SFPD
James Green – SFPD Academy Trainer
Prado Gomez – Proyecto Contra SIDA por Vida
Tamika Gonzales – API Wellness Center
Commissioner Martha Knutzen – SF HRC
Lt. David Lazar – SFPD
Edd Lee – API Wellness Center
Jodie Marksamer – Intern/HRC *
Lt. Henry Parra – SFPD
Jennifer Rakowski – CUAV *
Lt. Mike Slade – SFPD
Commissioner Theresa Sparks – SF HRC
Capt. Steve Tachini – SFPD

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Sgt. Stephan Thorne – SFPD *

Adela Vasquez – Tenderloin AIDS Resource Center (TARC)

Shawna Virago – CUAV

*** Work Group Members**

The Police Commission would like to thank all of the members of the Task Force and transgender community for their hard work on this project. The Commission would like to recognize the commitment of the Work Group members for working with the suggestions of the Task Force in their creation of the training materials, the revisions, the protocols, and this Report.

APPENDIX:

- A. POLICE COMMISSION RESOLUTION #55-01**
- B. SF HRC RESOLUTION**
- C. DEFINITIONS**
- D. TRAINING MATERIALS**
- E. GENERAL ORDER REVISIONS**
- F. PERTINENT ADMINISTRATIVE AND POLICE CODES (12A and 33)**
- G. FORMS RECOMMENDED FOR REVISION (SFPD 54 - MEDICAL SCREENING FORM)**
- H. MATERIALS FOR "A PRIORITY" DEPARTMENTAL BULLETINS**

)

)

)

GENERAL ORDER REVISIONS

(The underlined phrases are recommended revisions for the existing General Orders)

DO 2.01 GENERAL RULES OF CONDUCT

03/29/02

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, sarcastic or uncivil language, or language understood to be disrespectful according to an identified community's standard. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender presentation or gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

35. RESPONSIBILITIES OF MEMBERS WITH PRISONERS.

Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy, and shall not subject prisoners to ridicule or humiliation by unnecessary public display use public display as a means of ridiculing or humiliating a prisoner.

36. TRANSPORTING OF FEMALES AND TRANSGENDER

INDIVIDUALS: Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a department vehicle, whether due to detention, arrest, or any other reason, an officer shall notify ECD with the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the member shall immediately notify ECD and provide the vehicle's ending mileage. ECD shall broadcast the starting and ending times as an appropriate response confirming the officer's broadcasts.

DGO 5.03 INVESTIGATIVE DETENTIONS

08/17/94

I. POLICY

A. DETENTIONS. It is the policy of the San Francisco Police department that every person has the right to use public streets and public places so long as he/she does not engage in criminal activity. Factors such as a person's race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress, unusual or disheveled or impoverished appearance do not alone justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others.

DGO 11.07 DISCRIMINATION AND HARASSMENT

08/10/94

IV. DEFINITIONS

A. DISCRIMINATION. Discrimination is defined as behavior which gives preferential treatment to one group of persons over another group, or one person over another, on the basis of:

1. Race/color;
2. National origin/ethnicity;
3. Sex
 - Male or female
 - Pregnancy, childbirth or related medical condition
4. Gender identity or presentation;
5. Sexual orientation;
6. Religion;
7. Age;
8. Physical or mental disability or medical condition;
9. Marital status;
10. Political affiliation or beliefs;

11. Acquired Immune Deficiency Syndrome (AIDS), Acquired Immune Deficiency Syndrome Related Complex (ARC), Human Immunodeficiency Virus Infection (HIV Infection) or any medical signs or symptoms related thereto.

B. HARASSMENT

3. OTHER HARASSMENT. Although only sexual harassment has been defined in detail above, the law and Department policy also prohibit harassment on the basis of the individual's or group's race, color, national origin, ethnicity, pregnancy, childbirth or other related medical condition, gender identity or presentation, sexual orientation, religion, age, physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV Infection or any signs or symptoms thereof. Therefore, harassment (including verbal, visual and physical conduct) on any of these bases is also prohibited.

C. SLURS

1. It is the policy of the Department to treat all persons equally and respectfully and to refrain from the willful or negligent use of slurs against any person on the basis of race, color, national origin, ethnicity, sex, pregnancy, childbirth or other related medical condition, gender identity or presentation, sexual orientation, religion, age, physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV Infection or signs or symptoms thereof.

STANDARDS FOR PROPER INTERACTION WITH TRANSGENDER COMMUNITIES:

FOR NEW POLICE DEPARTMENT BULLETINS

Name Usage and Forms of Address

- Police personnel should address transgender individuals by their adopted name. In addressing or discussing transgender individuals, members should use pronouns appropriate for the adopted name (e.g., "she, her, hers" for a male-to-female transgender individual named Jane; "he, him, his" for a female to male transgender individual named "John"). If members are uncertain which pronouns are appropriate, members should respectfully ask the individual for clarification (e.g., "Do you prefer to be referred to as 'she' or 'he'?").
- Individuals have the right to be addressed with names, titles, pronouns, and other terms appropriate to their gender identity. The refusal of law enforcement and jail personnel and other persons to address individuals appropriate to their gender identity is a form of harassment.
- Any officer, agency, department, or supervisor will not tolerate disrespectful language or behavior from its staff, administration, employees, individuals, or clients toward or about transgender individuals an individual because of that individual's gender identity or presentation.
- It is a form of harassment to make and act upon assumptions about a person's sexual orientation based upon that individual's gender expression or identity.

Investigative Stops and Searches of Persons by Police

- During a detention or an arrest, searches may never be used to determine the gender identity of the detainee.
- Individuals may not be subjected to selective stops based solely upon the perception that they are transgender.
- When responding to a complaint made by a transgender person, police must address the complaint itself. A complaint or call for help from a transgender person must not be ignored or simply turned into an investigation of the caller.
- Police will treat the person appropriate to the person's gender presentation. This includes addressing transgender persons by their adopted, preferred, and/or gender appropriate name, and using the pronouns appropriate to the gender asserted and/or expressed.

- ~~Proof of gender of a person, except when legally necessary, shall not be required. Someone who is perceived to be transgender shall not be made to describe whether his or her genitals are male or female.~~ It is prohibited conduct to request proof of a person's gender, except when legally necessary. No individual shall be made to describe their genitalia for any purpose. Challenging someone's gender, or asking questions about intimate details of a person's anatomy, without legitimate and articulated reasons to do so, can be considered as harassment, and an invasion of privacy.

Booking of transgender/transsexual arrestees:

- Booking shall not be done at the district station. Officers must arrange for immediate transport to 850 Bryant (per SFPD form 54 - Medical Screening)
- Gender is determined by an arrestee's self-identification. If the question of gender cannot be determined through an interview with the arrestee, SF Health Department personnel shall make the final determination.
- Always use the legal name listed on a driver's license or state identification card as the booking name. Always add the AKA to the appropriate field if it is being currently used by the arrestee or if it is connected with associated prior arrests. Always list the AKA and use it in addressing or referring to the arrestee, when the gender identity is different than the legal name.
- If the legal name and the gender identity are the same, an AKA from prior gender presentations, including arrest records, must not be used unless it is relevant to the current offense.
- Officers must recognize and respect gender identity changes that have been made in the database. The gender listed in the database must then be used unless the officer sees a legal document identifying a name different from the information in the database.

Detention:

- Searches may never be conducted to determine gender identity or sex.
- Officers must expedite transport for transgender individuals, utilizing the same standards for women and those with special needs. The length of detention of transgender arrestees should be kept to a minimum.

- Transgender arrestees may not be detained in a holding cell at any district station.
- Transgender arrestees must be escorted to the bathroom that matches their gender identity. The escorting officers must be of the same gender identity as the arrestee.
- In a holding area at or outside a district station, such as those used during mass arrests, detainees must be segregated according to their gender identity, i.e. transgender women (male-to-female) being held with women and transgender men (female-to-male) being held with men. Officers must diligently protect transgender detainees from violence and/or harassment from the public or from other detainees.

Transport:

- All transgender detainees, including women (male-to-female), men (female-to-male), and individuals whose gender identity is indeterminate to the officer must be transported according to the protocol regarding transporting female detainees per the standards communicated in DGO 2.01.36 "TRANSPORTING OF FEMALES AND TRANSGENDER INDIVIDUALS". Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a department vehicle, whether due to detention, arrest, or any other reason, an officer shall notify ECD with the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the member shall immediately notify ECD and provide the vehicle's ending mileage. ECD shall broadcast the starting and ending times as an appropriate response confirming the officer's broadcasts.
- Transgender detainees, or a detainee whose gender is indeterminate to the officer, must not be subjected to strip search to determine gender identity.

SUPPORTING ANECDOTAL TESTIMONY

The following anecdotal testimony was gathered from several sources: SF HRC public hearings on discrimination against transgender people, interviews with transgender and transsexual people conducted on behalf of the National Lawyers Guild, and interviews with CUAV personnel.

Many members of the transgender community living in San Francisco complain that police officers regularly presume that transgender people are engaged in prostitution or involved in drug use simply by virtue of being transgender. Without justifiable suspicion, the officers tell transgender people on the street to "move along," or "go home." Such harassment unfairly targets low-income transgender people. Many transgender people in San Francisco who are low-income have episodes of homelessness, which may force them to live on the street. Many do not have cars and do not use public transportation to avoid being at risk in a tightly enclosed crowd. Some TG people of color also have experienced racial profiling when officers single them out of a racially mixed crowd of transgender people.

People report that police often stop transgender people for questioning and searches for no justifiable purpose. Some people report that some police personnel behave in a manner solely calculated to humiliate the person being detained: demanding the person's "real" name despite being given valid I.D; addressing the detained person in inappropriate terms (e.g., calling a male-to-female transgender woman "he" instead of "she"), ripping off wigs and other hair appliances, and otherwise harassing the person on the basis of gender identity or expression

In addition, many TG people complain of being searched by the police, not to find weapons or contraband, but merely to determine the detained person's genitalia. These searches often occur when the person is under suspicion for a misdemeanor, such as prostitution.

When performing an investigative stop, police must be able to point to specific and articulated facts, which reasonably warrant the intrusion. This means that in order for police suspicion to be reasonable enough to interfere with a person, that suspicion must be based on particular facts about that particular person. Consequently, no police stop or questioning is justified if it is based solely on a general characteristic or membership in a general group. Moreover, a person's mere presence in a location where a crime might occur is also insufficient to justify an intrusion by police.

In addition, when conducting a search pursuant to a stop, police may only search for weapons, contraband, or other evidence related to the purpose of the investigative stop, not to determine genitalia. Police may only conduct a strip search of an arrestee for a misdemeanor if the misdemeanor involves violence, contraband, or weapons or if a police officer has a reasonable belief that the arrestee possesses a weapon or contraband on her or his person. A court has already awarded damages against the City and County of San Francisco for conducting an unconstitutional search of a transgender person.

RED FLAGS/FLASHPOINTS FOR SCENARIOS

1. POSSIBLE DOMESTIC VIOLENCE RED FLAGS

Signs of a struggle

Female pulls up sleeve and displays bruises, which may be signs of injury

Male yells out "That bitch is really a dude!"

WHO DO YOU ARREST?

2. POSSIBLE ID RED FLAGS

Driver pulled over for running red light. Officer perceives driver to be male. ID says "female" and driver advises officer that he is transgender as he hands it to officer.

CITE OR DO NOT CITE?

Officer learns that license is suspended.

ARREST OR DO NOT ARREST?

Officer learns that driver has a misdemeanor warrant

ARREST OR DO NOT ARREST?

3. POSSIBLE PROSTITUTION RED FLAGS

In Polk Gulch, a flamboyantly dressed female is seen talking to a man through the driver's window. She begins to get into the car. The officer intercedes.

ARREST OR DO NOT ARREST?

The woman states that the man is her uncle and he is repaying a loan

ARREST OR DO NOT ARREST?

The man is recognized as a well-known john.

ARREST OR DO NOT ARREST?

A bar owner calls out from his business doorway, "Arrest that trannie whore!"

ARREST OR DO NOT ARREST?

4. POSSIBLE DRUG RED FLAGS

In the Tenderloin, an officer sees two men yelling at each other in the street. The officer stops to investigate. The IDs are in order. The dispute is over a backpack and as they struggle, a baggie full of needles falls out.

ARREST OR DO NOT ARREST?

Officer inquires about medical condition. One man states that he is Female-to-Male and the needles are for his hormones.

ARREST OR DO NOT ARREST?

The transgender man is unable to provide a prescription for the needles but claims he has one at home.

ARREST OR DO NOT ARREST?

SFPD ROLL CALL TRAINING LESSON

SUBJECT: The correct use of names and pronouns with transgender persons

PRETEST:

Question to officers: What is the proper pronoun to use when addressing a transgender person?

Answer: Officers should verbally address all persons with respectful titles matching the individual's preference, i.e. Mr. Ms. Mrs. Dr. etc.

SCENARIO:

An Officer detains a pedestrian for crossing the intersection against the red light. The pedestrian is dressed in a blouse and skirt, is wearing make-up, high heels and hosiery, and carries a shoulder bag. The Officer asks for ID and the pedestrian hands over a license with a male name and picture. The pedestrian explains that she soon will apply for a new license.

The officer calls the pedestrian by the name on the license, "Joseph", and uses male pronouns throughout the questioning, even though the pedestrian has identified that she is male-to-female transsexual and has told the officer that the correct name of usage is "Jennifer". After issuing a citation to the pedestrian, the officer suggests that "Joseph" should dress in male clothing until the new ID arrives, so that "Joseph" will not be using fraudulent ID. The officer concludes with the statement, "Have a good evening, Sir."

CRITICAL ISSUES:

- The proper course of action is to note the legal name on the citation and to use the individual's preferred name and pronouns (in this case female) when speaking with the pedestrian.
- The officer should explain why they must issue the citation to the former (male) name as opposed to the new (female) name if a legal name change has not yet taken place.
- **Note:** It is not considered to be fraud to have an ID with a different name and sex on it that differs from gender expression and identity given.
- An officer must never recommend that a person wear clothes that are traditional to the former gender or insist that it must be done to prevent appearing fraudulent.
(GO No. XXX - Due Respect, GO No. XXX - Protected Categories, Sgt. Thorne's Class Notes from Police Academy)

RELATED ETHICS:

It is important to treat all persons with respect while conducting police business. It is important to convey accurate information regarding the law.

POST-TEST EXERCISE/PRACTICE:

An Officer detains a pedestrian for crossing the intersection against the red light. The pedestrian is dressed in a blouse and skirt, is wearing make-up, high heels and hosiery, and carries a shoulder bag. The Officer asks for ID and the pedestrian hands over a

license with a male name and picture. The pedestrian explains that she soon will apply for a new license.

(This time)The officer notes the legal name as "Joseph" on the citation. The officer explains that he or she must write the citation to the legal name on the license. The officer addresses the pedestrian as "Ms. Smith", and refers to her using female pronouns. The officer concludes with the statement "Have a good evening, Ma'am".

Question to officers: Did the officer handle the situation appropriately?

Answer: Yes

REFERENCES:

GO No. XXX (Due Respect), GO No. XXX (Protected Categories), Sgt. Thorne's Class Notes from Police Academy Trainings

SUBMITTED BY:

Stephan Thorne, Sergeant, Ingleside Station

DATE:

December 4, 2002

SFPD ROLL CALL TRAINING LESSON

SUBJECT: How to correctly respond to a domestic violence situation involving a transgender person

PRETEST:

Question to officers: What is the proper pronoun to use when addressing a transgender person?

Answer: Officers should verbally address all persons with respectful titles and pronouns matching the individual's stated or expressed preference, i.e. Mr. Ms. Mrs., he, she, him, etc.

Question to officers: What are proper elements in determining the primary aggressor?

Answer: Officers need to make appropriate judgements based on an evaluation of all of the evidence at the scene. Officers should consider signs of struggle, wounds, witness testimony, prior history, and other non-biased indicators when determining who is subject to arrest and why.

SCENARIO:

Officers answer a call about a domestic dispute, arrive on the scene, and enter the home. A man and woman are observed screaming profanities at each other and there are signs of struggle in the room. As the officers separate the pair in order to investigate the scene, the first detainee screams out "That bitch is a man and his name is Fred!"

Upon hearing this information regarding the second detainee's identity, the officer decides that the second detainee is a man and categorizes the incident as "assault" rather than "domestic violence". The officer begins using male pronouns and calling the detainee "Fred." Detainee tells the officer her name is "Charlene" and that she is not a man and she shows the officer wounds on her neck and forearms. The officer ignores the nature of the injuries and categorizes the second detainee as the primary aggressor because of greater size. The officer arrests the second detainee without further assessing the scene.

CRITICAL ISSUES:

- The proper course of action is to use the individual's preferred name and pronouns (in this case female) when speaking with and about the detainee.
- The proper course of action is to determine the primary aggressor by assessing the injuries (obvious and subtle, defensive and offensive) of each detainee as well as assessing the scene for signs of a struggle and various other indicators of aggression. The officers needs to recognize their own personal bias and make appropriate judgements based on fact.

(General Order No. 2.01 - Due Respect; General Order No. 1107 - Protected Categories; Class Notes from Police Academy Transgender Trainings)

RELATED ETHICS:

It is important to treat all persons with respect while conducting police business. It is important to objectively evaluate domestic violence calls in order to be able to accurately assess who is the primary aggressor and take appropriate actions. It is important to recognize and not act upon personal bias.

POST-TEST EXERCISE/PRACTICE:

Officers answer a call about a dispute and arrive on the scene. A man and woman are observed standing on the sidewalk screaming profanities at each other. As the officers separate the pair in order to take one statement at a time, the first detainee screams out "That bitch is a man and his name is Fred!"

The officer recognizes the information provided by the first detainee as irrelevant and respectfully asks the second detainee what name she uses. After learning that the second detainee's name is "Charlene", the officer uses that name and female pronouns when addressing and referring to the second detainee. The second detainee claims that she was attacked. The officer checks for injuries and determines that the second detainee has wounds on her neck and defensive wounds on her forearms. After assessing the scene, the officer arrests the first detainee. The officers give appropriate domestic violence resource referrals to the second detainee.

Question to officers: Did the officer handle the situation appropriately?

Answer: Yes

REFERENCES:

General Order No. 2.01 (Due Respect), General Order No. 1107 (Protected Categories), Class Notes from Police Academy Transgender Trainings

SUBMITTED BY:

Stephan Thorne, Sergeant, Ingleside Station

DATE:

May 22, 2003

Definitions

These terms are words that individuals use to describe themselves; therefore, there is no one universal definition available and these definitions are still evolving over time.

Transgender:

An umbrella term that includes anyone whose gender identity and/or expression does not match society's expectations of how an individual who was assigned that particular sex at birth should express their gender, including but not limited to, female and male cross dressers, transvestites, drag queens or kings, female and male impersonators, pre-operative, post-operative and non-operative transsexuals who may or may not use hormones, masculine females, feminine males, and all persons exhibiting gender characteristics and identities which are perceived to be androgynous.

Female or Male Cross Dressers:

Individuals who occasionally wear clothing that is perceived to be conflicting with their assigned sex at birth.

Transvestites:

Male cross dressers who are heterosexual. (*This is a clinical term from the DSM IV, which is a manual of psychological classifications*).

Drag Queens or Kings and Female or Male Impersonators:

Drag Queens and Drag Kings mostly are lesbian, gay, or bisexual. Female or Male Impersonators refers to individuals who impersonate a different gender for entertainment purposes.

Transsexuals:

Individuals whose gender expression or identity is perceived to conflict with their birth sex, and who may or may not begin or continue the process of hormone replacement therapy and/or gender confirmation surgery. Some transsexual people are not

able, or do not elect to undergo a physical transition using hormones and surgery. For others, it may be of absolute necessity to have surgical and/or hormonal treatments. (This is a clinical term from the DSM IV, which is a manual of psychological classifications).

Female-to-Male (FTM):

Individuals who were assigned female at birth and who may be in the process of or have transitioned from female to male.

Male-To-Female (MTF):

Individuals who were assigned male at birth and who may be in the process of or have transitioned from male to female.

Masculine Females:

Individuals with a female gender identity and who have or are perceived to have masculine characteristics.

Feminine Males:

Individuals with a masculine gender identity and who have or are perceived to have feminine characteristics.

Gender non-conforming:

Individuals whose gender identity and/or expression is not completely male or female or is entirely outside of this binary, including individuals who do not conform to expectations of a specific gender role and individuals who express both masculine and feminine qualities; may sometime self-refer as “genderqueer”; have also been referred to as androgynous or genderqueer.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Director

ITEM 7

06-12-03

2002 GUIDELINES FOR HRC ADVISORY COMMITTEES

Advisory committees are an integral and vitally important component of the Human Rights Commission, providing for community involvement and for the opportunity for in-depth study and exploration of issues.

The Human Rights Commission (HRC) maintains ~~five~~ four advisory committees. They are the 1. Employment Committee; 2. Issues Committee; 3. Lesbian Gay Bisexual Transgender Advisory Committee; and 4. Minority/Women/Local Business Enterprise Advisory Committee ~~and 5. Youth and Education Community Advisory Committee.~~ The Chair of the Commission assigns Commissioners and appoints members from the Community to these committees.

The Employment Committee has members representing business, government, labor, and community interests. This Committee meets on the first Thursday of the month from 1:30p.m. to 3:30p.m. at the HRC. The work of the Committee includes: providing advice and assistance to the Commission regarding diversity and discrimination in employment; reviewing staff reports on the employment patterns of City contractors and recommending positions for the Commission to take on legislation affecting equal opportunity in employment.

The Issues Committee focuses on issues related to immigration and undocumented aliens; law enforcement and public safety; fair housing, prejudice-based violence, youth and education, and other specific issues within the Commission's jurisdiction delegated to the Committee by the Chair of the Commission. The Committee meets on the second Wednesday of the month from 5:30 P.M. to 7:30 P.M. at the Human Rights Commission offices.

The Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) was established in May of 1975 by amendment to Chapter 12A of the San Francisco Administrative Code. The Committee must have at least three members who reside in San Francisco. The Committee membership strives to represent the diversity of the Lesbian, Gay, Bisexual, and Transgender communities. This Committee meets the third Tuesday of the month from 5:30p.m. to 7:30p.m. at the HRC. The Committee provides assistance and advice to the Commission regarding discrimination against the lesbian, gay, bisexual, and transgender communities; advocates for the civil rights of persons with AIDS/HIV; and educates the lesbian, gay, bisexual, and transgender communities about issues of diversity within those communities.

The Minority/Women/Local Business Enterprise Community Advisory Committee, mandated by Rule IIB. of the HRC Rules and regulations implementing Chapter 12D of the San Francisco Administrative Code, was formed in March of 1985. Its members are drawn from local business, labor, minority and women interests groups, trades and professions, City or



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights



governmental agencies and community organizations. The Committee has no fewer than eleven members. The Committee advises and makes recommendations to the Commission on the development, implementation and monitoring of the Minority/Woman/Local Business Enterprise (M/W/LBE) Ordinance and Program. The Committee meets every third Wednesday of the month from 5:30p.m. to 7:30p.m. at the HRC offices at 25 Van Ness Avenue, #800.

~~**The Youth and Education Advisory Committee** addresses issues on education and youth, including but not limited to disparate treatment based on race, gender and/or sexual orientation, which impact the youth of today. The Committee further serves as a forum for youth members to experience government functions and advises, makes recommendations and informs the Commission on youth and education issues prevalent in today's society. This Committee meets the first Wednesday of the month from 4:30p.m. to 6:00p.m. at the HRC office at 25 Van Ness Avenue, Suite 800.~~

FUNCTION AND OPERATION OF THE ADVISORY COMMITTEES

1. The Commission Chair appoints committee members for one-year terms beginning March 1 and ending February 28, ~~with the exception of the Youth and Education Committee where members serve from September 1 through August 31.~~ The recruitment process includes the following steps:
 - a. A recruitment task force made up of 2-3 Committee members, staff, and the Chair or Vice Chair is appointed by each Committee Chair to handle recruitment efforts for that committee.
 - b. Members are recruited through an outreach effort undertaken by each Committee, using such devices as press releases, flyers, and word of mouth to let the community know that the Committee is seeking new member applicants. Diversity of membership is a primary goal in the recruitment effort.
 - c. Applicants submit a letter to a designated staff person stating why they are applying, what they can bring to the Committee, and a summary of their experience working on issues with which the Commission is charged.
 - d. The recruitment task force reviews the application letters and selects interviewees. Interviewees are sent a letter inviting them to an interview. The questions they will be asked are attached to the letter.
 - e. The recruitment task force conducts the interviews and selects individuals to recommend for appointment by the Commission Chair. The Commission Chair at a Commission meeting announces appointments.
- ~~1-2.~~ The role of the advisory committees is to provide advice and assistance to the Commission by developing and examining ideas and issues within the jurisdiction of the Commission. Advisory Committees may not initiate any investigations, hearings, or other work or use City resources in the pursuit of matters that do not fall within the Commission's jurisdiction. Chapter 12A of the San Francisco Administrative Code described the Commission's jurisdiction as being limited to "discriminatory practices and to resulting intergroup tensions," and names the protected categories that are to be addressed when discussing discriminatory practices. The committees may also hold public hearings and make recommendations of positions for the Commission to take on legislation.

~~2.3.~~ Advisory committees hold one meeting per month, usually averaging ten meetings per year. Each committee has a standard meeting time and all meetings are open to the public and subject to public meeting and accessibility laws.

~~3.4.~~ Advisory committees are to make conscious efforts to present all sides of an issue, prior to taking action and forwarding a recommendation to the Commission. Speakers presenting opposing views should be invited whenever possible.

~~4.5.~~ Advisory committees are to consult with staff for guidance, including securing legal advice as appropriate, prior to undertaking work leading to a recommendation concerning pending State or Federal legislation or policies.

~~5.6.~~ When the City has adopted an official position to endorse, oppose or remain neutral on pending State or Federal legislation or policy that affects matters within the Commission's jurisdiction, advisory committees may undertake work in support of that position. Neither the Commission nor advisory committees may undertake work or take a position that is inconsistent with the City's official position.

~~6.7.~~ In the absence of an official City position, advisory committees may develop and make available information and analysis of the impact of pending State or Federal legislation that affects matters within the Commission's jurisdiction. Advisory commissions may request the Commission to adopt a resolution urging the Board of Supervisors to act in the manner supported by the advisory committee's information and analysis.

~~7.8.~~ Similarly, advisory committees may develop and make available information and analysis of the impact of pending City ordinances or policies. Advisory committees may request the Commission to adopt a resolution urging the Board of Supervisors to act in the manner supported by the committee's information and analysis.

~~8.9.~~ Neither the Commission nor its advisory committees may use public resources to take sides in any election, including any state or local ballot initiative. Under no circumstances may the Commission or any of its advisory committees endorse or use any City resources to promote a candidate in any election. The Commission, after consultation with the City Attorney's Office, may direct an advisory committee to study fairly and impartially the impact of a ballot proposition or initiative on matters within the Commission's jurisdiction.

~~9.10.~~ Only the Committee Chair, or a member designated by the Committee Chair, may speak on behalf of an advisory committee. Individual members of advisory committees are free to express their personal opinions on any matter and to identify themselves as advisory committee members, but must make clear that they are not speaking on behalf of the advisory committee, Commission, or the City and County of San Francisco.

~~10.11.~~ At the discretion of the Chair, except where the City Charter or other laws require other procedures, advisory committee meetings shall be governed by the most recent edition of Robert's Rules of Order.

~~11.12.~~ Every meeting of every advisory committee requires the presence of a quorum of committee members. In the absence of a quorum, committee members may informally

discuss matters of common interest but may not take any action such as issuing directives to staff or making recommendations to the Commission.

- ~~12.13.~~ All members of an advisory committee shall participate in every decision at every meeting at which they are in attendance, unless a member has a conflict of interest which legally precludes that member's participation. Members may not abstain without cause.

COMMISSIONER RESPONSIBILITIES

1. Commissioners serve as Committee Chair and/or Vice-Chair to provide leadership for, and set policy in, the operation of the advisory committees. Committee Chairs are to work closely with Committee staff.
2. Regular and active participation by the Committee Chair and Vice-Chair in meetings is essential for the effective operation of the advisory committee. Additionally, they should be knowledgeable of the mandates of the Commission and the advisory committee on which they serve.
3. The Chair of the Commission shall appoint the Committee Chair and Vice-Chair of each advisory committee for a one-year term beginning March 1 (~~except for the Youth and Education Committee, which begin on September 1~~).
4. Commissioners identify and participate in issues and events pertinent to committees and, when appropriate, represent the Commission and/or the advisory committees before other bodies pertinent to the committees.
5. All recommended actions, proposed resolutions, or reports coming from the advisory committees to the regular meetings of the Commission do so through the Committee Chair or Vice Chair or their designee. The Committee Chair will introduce the agenda item, any guest speaker(s), present a brief summary of advisory committee action, and state what action the Commission is being asked to take. If Commission action is required or requested (such as adoption of a proposed resolution or letter,) the Committee Chair moves that such action be taken. This motion will open the discussion by the full Commission.
6. The Committee Chair, in consultation with its Committee Staff is to approve the items for the meeting agenda.
7. The Committee Chair may cancel or reschedule the committee meeting for that month if the regular meeting day falls on or is adjacent to a legal, religious, or appropriate cultural holiday or whenever the Committee Chair ascertains that insufficient committee members will be able to attend to establish a quorum or meaningful meeting.
8. Commissioners are encouraged to work toward consensus with committee members on all issues and to ensure that committee meetings are inclusive and respectful of the diversity of members and the public.

9. Commissioners should notify Committee Staff when unable to attend and should suggest a temporary Chair for the advisory committee to elect to conduct the meeting.

COMMITTEE MEMBER RESPONSIBILITIES

1. Membership on each advisory committee is for a one-year term beginning on March 1. ~~Except for the Youth and Education Committee which is for a one year term beginning on September 1.~~
2. Committee members serving on HRC advisory committees must represent the highest standards of sensitivity to and genuine respect for the mission of the Human Rights Commission. The free exchange of ideas and differing points of view are strongly encouraged as long as these are not inconsistent with respect and tolerance for diversity. Members who fail to abide by this code of tolerance may be asked to resign from the Committee.
4. It is the responsibility of Committee members to attend regularly and to participate actively in advisory committee meetings. Due to concerns regarding membership continuity and the necessity for performing the Committee's duties, if a member accumulates three (3) absences during a one year period, that person will no longer be considered a member of that committee. Members excused for accumulating three (3) absences during a one year period are encouraged to attend Committee meetings and may be asked to continue to participate as a non-voting member of the Committee.
5. Committee members may suggest appropriate issues for the entire Committee to consider. However, staff develops the committee agenda in consultation with the Committee Chair taking into account the Committee's jurisdiction and resources.
6. Committee members shall assist in the drafting of letters, resolutions, reports, and other documents on which the committee votes to send to the commissioners for approval, and shall assist in the organization of panels and presentations.
7. Committee members may not represent the Committee on which they serve or the Commission before any other bodies without the express consent of the Chair of the Commission. Service on a Committee does not prohibit Committee members from speaking in an individual capacity or participating in government as members of the general public.

STAFF RESPONSIBILITIES

1. The role of the HRC staff is to facilitate and ensure the effective and efficient operation of the Committees. To this end, Committee staff is responsible for logistics, meeting preparation and follow up, the orientation of members, and assuring compliance with the Sunshine Ordinance, City policy, Commission policy, and committee mandates.
2. Staff consults with the Committee Chair and Vice-Chair regularly, giving guidance to Commissioners regarding the jurisdiction of the Human Rights Commission and assisting them in carrying out their policy-making role. If it is determined that a proposed item for

discussion is not under the Commission's jurisdiction, staff conducts research as to whether the item has been handled by other agencies, or to which agency or agencies an item can most appropriately be referred.

3. Staff develops the committee agenda in consultation with the Committee Chair.
4. Staff develops committee items for the Commission agenda in consultation with the Committee Chair.
5. Staff is responsible for scheduling meetings; reserving a meeting place in advance; sending out meeting notices; preparing and posting, as required by the Sunshine Ordinance, a detailed agenda at least 72 hours in advance of the meeting; preparing minutes of the meeting; handling incoming and outgoing correspondence; doing follow-up as directed by the Committee and/or its Chair; scheduling Committee presentations on issues; drafting position papers and proposed resolutions; acquiring background and source material, as appropriate, for distribution to the committee; and attending the Commission meeting when their committee has an item, including committee report, on the agenda.
6. Staff provides all pertinent documents for the Commission agenda, including copies of any proposed resolution or letter, and/or any supporting material, to the Commission Secretary by the deadline set by the Commission Secretary.
7. Staff provides, approximately a week in advance of the Committee meeting, a packet mailed to Committee members containing the agenda, draft minutes, and all pertinent documents, including copies of any proposed resolution or letter, and/or any supporting material.
8. Staff presents an annual orientation for new committee members, and provides an informal orientation for any Commissioners or members joining the committee during the year.
9. Staff identifies groups or agencies from which to solicit new members and/or key individuals to be invited to apply for membership in order to broaden the representation on the committee. Letters requesting nominees from a group or thanking a member for services rendered are prepared by staff in the name of the Committee Chair with his/her approval. Staff confers with the Committee Chair regarding member participation and attendance in order to recommend to the Commission Chair whether members should be reappointed when their term ends. Letters appointing people to a committee, conferring reappointment, or removing a member from the committee, are prepared by staff in the name of the Commission Chair with his/her approval.
10. Staff schedules speakers for committee and Commission meetings, advising speakers of time limits and that they should be prepared to answer questions.
11. Staff reports regularly to the Director, who is charged under the City Charter with sole authority for administrative matters pertaining to Advisory Committees. Staff keeps the Director informed as to issues proposed for consideration by the Committee, the progress of those issues, and any committee problem staff identifies. The Director, in turn, keeps the Committee Chair informed regarding issues and problems.

12. Staff maintains subject files for committee work. Because issues may evolve over time, staff should maintain files, which include background material, clippings, and resource people.
13. Staff maintains archival materials regarding the Committee's work.



National Advocacy for Local LGBT Communities

M E D I A R E L E A S E

For Immediate Release

April 25, 2003

**Contact: Clarence Patton
(212) 714-1184
(347) 683-0020**

GAY & LESBIAN ANTI-VIOLENCE PROGRAMS RELEASE REPORT ON 2002 HATE INCIDENTS

Big Increases Seen In Reports From Young Victims; Weapons Use Rises.

New York – Today, the National Coalition of Anti-Violence Programs (NCAVP) released its annual report on violence against lesbians, gay men, bisexual people and transgender individuals. The report examines data compiled from over 1,900 hate-related incidents in twelve cities and regions across the country: Chicago, Cleveland, Colorado, Columbus, OH, Connecticut, Houston, Los Angeles, Massachusetts, Michigan, Minnesota, New York City, and San Francisco. Additional information was received from Pennsylvania.

NCAVP's report is the most complete such examination of violence against LGBT people. Each year, the FBI publishes its own report on hate crimes, which includes anti-LGBT incidents, but it consistently contains information on far fewer cases than the NCAVP publication because it relies on law enforcement reports of such crimes rather than victim service organization data.

Overall, NCAVP's report notes a small increase of 1% in reported incidents of anti-LGBT violence. At the same time, the total number of victims rose 3%, from 2,189 in 2001 to 2,254 in 2002. Interestingly, the number of offenders fell 5%, possibly indicating a decrease in the level of gang-type or youth initiation violence targeting LGBT people, according to NCAVP.

Despite the possible fall in gang-type and initiation-fueled attacks, incident reports from victims aged 18 and under grew at a shocking rate of 164%. While not underplaying the problem of violence against young LGBT people, the report was careful to characterize the rise in reports from this group as a function of better connections between young people and anti-violence programs, as well as the increased visibility and empowerment of young LGBT people, rather than an actual rise in attacks on young people.

The report also highlighted the continuing increase in assaults (+1%), with a significant rise in the number of assaults involving weapons (+10%). Consequently, the number of victims sustaining injuries continued to rise 3%, with the number of victims sustaining serious injuries rising 5%.

"This report details a year of the discrimination, harassment and brutality faced by LGBT people in twelve communities and regions across the country," said Clarence Patton, NCAVP's Acting Executive Director. "This year, we focus in particular on changes in the dynamics of hate-motivated violence as the nation moves through the stresses of a declining economy, fears of terrorism, war in the Middle East and surges of 'patriotism.' Additionally, this year's report has important information about anti-LGBT violence experienced by young people and

unfortunately, we recognize that though this report is the most extensive of its kind, it's still only a snapshot of what types of violence LGBT people across the country are truly experiencing," said Patton.

"This report illustrates that our communities continue to be under siege by those who would act out their hatred in violent and sometimes deadly ways. Clearly, there is much that our nation's leaders should be doing to mitigate this problem, however, using the carelessness, ignorance and impropriety embodied in Senator Santorum's comments only days ago as an example, it is unlikely that we will be able to count on those leaders at any point in the near future, so the work of these programs must continue, and must be supported," concluded Patton.

PDF versions of the Report and its Executive Summary are available at www.avp.org. For regional contact information in any of the reporting areas, call 212-714-1184, x55.

The National Coalition of Anti-Violence Programs (NCAVP) addresses the pervasive problem of violence committed against and within the lesbian, gay, bisexual, transgender (LGBT) and HIV-positive communities. NCAVP is a coalition of programs that document and advocate for victims of anti-LGBT and anti-HIV/AIDS violence/harassment, domestic violence, sexual assault, police misconduct and other forms of victimization. NCAVP is dedicated to creating a national response to the violence plaguing these communities. Further, NCAVP supports existing anti-violence organizations and emerging local programs in their efforts to document and prevent such violence.

Local Narrative Summary 2002

Overview

This year Community United Against Violence (CUAV) documented violence, vandalism, and harassment against the very diverse Lesbian, Gay, Bisexual, Transgender, Queer and Questioning communities in San Francisco and the Bay Area. CUAV reported 357 cases of LGBT hate violence in 2002, up 14 % from the total of 317 reported in 2001. The highest profile case was the murder of a transgender youth of color, Gwen Araujo. Youth reporting violence in schools rose with more local outreach efforts, highlighting a local problem of national scale. More weapons were used by offenders, most of whom, continued to be male. Unfortunately, CUAV continues to document incidents of abuse perpetrated by law enforcement.

Based on 357 incidents reported to CUAV in 2002, we found:

- There was a significant increase of anti-LGBT youth under 18 violence data gathered -- from 10 in 2001 to 78 in 2002.
- There was an increase of the use of weapons from 19 in 2001 to 33 in 2002. Highlighting dangerous intent of offenders' use of excessive violence and torture towards hate crime victims.
- There was a decline in the number of offenders who were law enforcement officers and private security reported by transgender victims. There was 55 law enforcement and 8 private security and bouncers documented in 2001, and 22 cases of law enforcement and 2 private security in 2002. There was, however, an overall increase in law enforcement abuse towards the LGBT community with: 55 incidents of law enforcement abuse in 2001 and 70 incidents reported in 2002.

CUAV wishes to thank and honor the residents and visitors to Northern California who, due to circumstances beyond their control, they were targets of hate. Their strength and courage makes this report possible. They have helped focus national attention to this horrible reality of anti-LGBT violence, and for that CUAV expresses our deepest gratitude.

San Francisco Neighborhood	2002 Incidents
Bay View/Hunters Point	9
Castro	17
Downtown	7
Golden Gate Park	1
Haight	8
Hayes Valley/Western Addition	5
Marina/Pacific Heights	4
Mission	69
Noe Valley	7
North Beach/Chinatown	6
OMI	7
Polk	9
Portola/Bernal Heights	6
Potrero Hill	6
Richmond	7
SOMA	22
Sunset	12
Tenderloin	37
Twin Peaks	1
Unknown within San Francisco	32
Total San Francisco	272

Northern California Counties	2002 Incidents
Alameda	20
Calaveras	1
Contra Costa	4
El Dorado	1
Fresno	1
Lake	2
Madera	1
Marin	1
Mendocino	1
Merced	1
Nevada	4
Plumas	1
Riverside	1
San Joaquin	2
San Mateo	6
Santa Clara	5
Shasta	5
Solano	1
Sonoma	3
Stanislaus	2
Unknown/Other	27
Total Northern California	88
Total Reported Incidents	360

Gwen Araujo Murder

San Francisco reported one hate crime murder in 2002—brutal murder of a courageous transgender teen Gwen Araujo. Gwen Araujo's murder rose to national attention while being deeply mourned by family, friends, and community all over the Bay Area. Hundreds of community members--youth and adults, straight and gay held vigils and attended her funeral. While Gwen's funeral arrangements were being made, Fred Phelps picketed Gwen Araujo's mother at her home. Phelps also organized a small band of his followers to picket *The Laramie Project* performing in the Bay Area that was successfully drowned out by an overwhelming swell of supporters, including Parents, Families and Friends for Lesbians and Gays (PFLAG).

Murders cases reported in 2002

Two deaths were reported to CUAV that occurred prior to 2002. Last year, the FBI informed CUAV of an unsolved anti-LGBT murder from 1983. On November 25, 1983, law enforcement discovered the body of a 22-year-old biological male, whose body was found, dressed in female clothing. The victim was brutally beaten and stabbed to death. The second murder occurred on June 12, 1999, that involved the use of excessive torture of Todd Peterson. Phillip Atkinson was found guilty of manslaughter, despite his attorney's efforts to use the "homosexual panic defense."

Rise in Youth Victims

One of the biggest shifts that Community United Against Violence (CUAV) reported last year was an 680% increase hate violence statistics in the categories of youth under 18 and in schools--from 10 in 2001 to 78 2002. This increase statistic exposes the long-standing problem occurring in schools of anti-LGBT harassment, property damage, and physical assault. With the ongoing community education and outreach efforts of the Love and Justice project (a joint project of CUAV and Lyric, the Lavender Youth Recreation and Information Center) and Gay-Straight Alliance Network (GSA Network) last year, more accurate reporting shed light on the reality of hate crimes youth face in schools. Therefore, more proactive measures can be used to prevent school-based violence.

Demographics of Victims

Males came forward most frequently to report incidents of anti-LGBT violence in 2002. As in past years, the victims were predominantly male (202 total). There were 115 reports involving female victims. Transgender victims comprised 68 cases, with MTFs accounting for 54, and FTMs 11 cases. There were 218 cases from victims identifying as lesbian or gay. There were 57 reports from bisexual victims, 36 from heterosexuals and 22 from questioning individuals. White victims appeared more likely to report, with 104 reports in 2001 and 130 in 2002. CUAV has reported this year and in prior years that white victims being the largest race/ethnicity group to report hate crimes speaks to the safety, access, and comfort some white victims feel regarding reporting bias violence towards them. There also was a significant increase of Latina/o reports, from 4 in 2001 to 89 in 2002. This is due in part from the increased outreach through the Latina and

Latino staff in seeking more under-reported cases. The aftermath of September 11th noticeably had more LGBT Arab hate violence survivors reporting, which was 10 in 2001 to 12 in 2002. This 20% increase is the highest recording of Arab/Middle Eastern queer individuals reporting to San Francisco to date.

Levels of Violence

Weapons use rose from 19 in 2001 to 33 in 2002. Reports of weapons used by young offenders in our schools were also troubling. Some weapons include: steel-toed boots, beer bottles, billy clubs, and duct tape.

Offenders Incidents

There were 490 offenders tracked in 2002 (from 545 in 2001,); males accounted for 348 of the total and female offenders totaled 60. Offenders came from a surprisingly broad range of ages, including but not limited to, the age groups under 18, (75 offenders), 18-22 (32 offenders), 23-29 (43 offenders) and 30-44 (86). Cases reported included 19 sexual assaults, one abduction, 23 incidents of vandalism, one police raid, and 44 incidents involving discrimination. The lowest number of incidents of bias perpetrated by offenders reported this year was between the ages 45-64, with 25 incidents and 65 and over 7 bias incidents. The bulk of these incidents, 119 reported, occurred on the streets and public areas, though the second largest bulk of incidents tracked were private residence at 86. This statistic indicates that not all hate violence attacks and harassment occurred in the streets but in and around individual's homes, with some offender(s) whom the victims know previous to the incident. The third largest category of anti-gay violence reported was 64 incidents at schools and colleges. Again, this increase is partially an increase from the 10 cases in 2001 because of CUAV's youth outreach by our organization and by the GSA Network.

Law Enforcement

San Francisco documented 122 incidents of LGBT bias were reported to police in 2002, compared to 131 the previous year. Arrests were made in 24 cases and 56 out of 122 cases were classified by law enforcement as bias related. Unfortunately, overall there was a rise in law enforcement abuse towards the LGBT community with 55 cases in 2001, and 70 cases in 2002. This increase of overall police and security abuse cases speaks to the level of continuing education that needs to be implemented at the hiring, training, and re-training levels in collaboration with local police, jails, and security personnel groups. Fortunately, one bright spot this year, is the decrease in the reporting of cases involving law enforcement and security personnel being named as the offenders of transgender abuse with; 16 SFPD, 2 Sheriff's Office, and 2 correctional officers (22 law enforcement), and 2 Security personal in 2002. Compared with 2001, when 55 law enforcement and 8 private security and bouncers were documented. The largest shift in this decrease represents a positive note: the creation of an historical joint task force of the Human Rights Commission and the San Francisco Police Department, CUAV and other community groups. This task force was formed to address police treatment of transgender individuals who were reporting a significant number of incidents of abuse and harassment

by law enforcement. The Transgender Police Task Force has established protocols, screening for bias at the hiring level, and expanding existing transgender sensitivity trainings to help effectively prevent transphobia within San Francisco Police Department.

Murder Narratives 2002

Gwen Araujo

A transgender Latina youth, was murdered on October 3rd after acquaintances at a party learned that she was transgender. She was beaten, tied up and strangled. Her body was then driven 150 miles into the Sierra Nevada Mountains and buried in a shallow grave.

Since her murder, Sylvia Guerrero, Gwen's mother, has had to endure numerous struggles, including hate-based harassment and threats including Kansas Baptist Fred Phelps threatening to picket Gwen's funeral. Phelps did not picket Gwen's funeral, however he did harass Ms. Guerrero by showing up at her home to picket. Gwen's tragic murder created an outpouring of community of grief, which led to efforts of education, activism, vigils and support from Lesbian, Gay, Bisexual and Transgender communities, as well as others throughout the Bay Area.

Currently four young men have been charged with murder, with the hate-crime enhancement. All four men have pleaded innocent. Preliminary hearings are underway throughout winter 2003. CUAV has assisted Gwen Araujo's family with media, police, court, and community advocacy. CUAV has also sent out press releases to support the Gwen Araujo, memorial fund set up by the family. CUAV dedicated its annual fundraising event in the name of Gwen Araujo in October of 2002.

2. Last year, CUAV received an FBI report of the unsolved murder of a young man believed to have been gay. CUAV lent its services by making the LGBT community aware of this case. Nineteen years ago, on November 25, 1983 law enforcement discovered the body of a 22-year-old biological male, whose body was found dressed in female clothing, which included yellow knee-length "clam digger" pants, a matching yellow jacket, fishnet stockings, lace panties, and a bra with sponge falsies. The victim was brutally beaten and stabbed to death.

CUAV sent out a Community and Media Press Release asking the communities of Northern California: "Do you know this person?" in hopes of finding out if someone could identify this unknown victim. It has remained unsolved since 1983.

3. On June 12, 1999, police arrived in response to a 911 hang-up call at Todd Peterson's Hyde Street apartment to find him dead from 19 stab wounds. The coroner's report translates into a scene of excess, overkill, and torture. Phillip Adkinson, the only other person with Todd in the apartment, and who had refused to let the police in, was found with one stab wound later determined to be self-inflicted. Todd Peterson was last seen at the gay bar he frequented, and where he met Mr. Adkinson before leaving and returning home.

Todd Peterson's common-law wife, Julie, came to CUAV seeking advocacy and emotional support during the last phase of the trial. It became clear that a bias defense was being used. The defense claimed that Phillip Adkinson's actions were a traumatic reaction to Todd's wanting to "fist" him. This defense profited from negative stereotypes of sexual practices in the gay leather and S/M communities. Adkinson was sentenced to the maximum 11 years for "unreasonable manslaughter".

CUAV assisted Julie with her Victim Impact Statement, and provided grievance and grief counseling, as well as referrals and recommendations for further long-term therapy.

Hate Violence Narratives 2002

1. A queer Latina was assaulted in a Gay club by a white woman later identified as Jean Earl. This came just after the assailant's white boyfriend, Jack Broughton, had been yelling anti-Gay and anti-African-American epithets, and security was having the couple leave the club. After the victim was punched, Earl ran outside of the club and the victim followed her. In the midst of the victim confronting the female assailant, Broughton started beating the victim to the ground, kicking her with his steel-toe boots until she was unconscious, while yelling anti-queer and anti-woman epithets. The victim's friend, a queer white woman, tried pulling Broughton off her friend. He turned and punched this second victim in the face and stomach.

Broughton and Earl then fled the scene and moved on to a gay leather bar where Broughton proceeded to yell more anti-gay epithets. It allegedly took eight police officers to detain him. Both perpetrators were arrested. Jean Earl was charged with a misdemeanor. Currently the defendant Jack Broughton is charged with "assault by means of force likely to produce great bodily injury" which is accompanied with 'a hate-crime enhancement'. He is also charged with "simple battery" and "resisting arrest". CUAV has been assisting both survivors with legal advocacy, Victim-Witness Assistance, media advocacy, and counseling.

2. On the morning of Wednesday, March 27, 2002, a hate crime of vandalism was committed on two buildings in the city's Mission District. The culprits spray-painted on the Women's Building the following: "Kill Arabs" and "CUNTS." The Women's Building houses many social justice organizations supporting women. Similar anti-Arab epithets were spray-painted on the building which houses Community United Against Violence, We Interrupt This Message, Gay-Straight Alliance, FTM International, TransAction, Physicians for a Violence-Free Society, and The Northern California Citizenship Project. Still more hate language which included: "DIE SAND NIGGERS" and "DEAD ARABS = PEACE" were also scrawled over a flyer and a poster advertising "An Evening for Peace and Justice for the Palestinian and Iraqi People" to be held at Mission High School. The poster was on the corner of 14th Street and Folsom Street. CUAV documented the hate crime, filled a police report, and contacted Victim-Witness Assistance regarding group counseling for tenants of both buildings.

CUAV also participated in a powerful and supportive vigil the evening of this hate crime incident and attended a press conference the next morning. Since this incident, the Women's Building has experienced at least 6 more anti-lesbian/woman/people of color/

and specifically anti-Arab vandalism hate crimes consisting of spray-painting epithets on the murals and the sidewalks next to the building. CUAV is involved with community meetings for further strategizing. The Women's Building and other organizations are working in coalition to both apprehend the assailant(s) and bring anti-hate violence education to the community at large.

3. A 13-year-old boy with developmental delays is being harassed by schoolmates at the small Catholic middle-school he attends. He has been called "faggot", "punk", "ass-muncher", and other slurs and names. One boy has shoved and pushed him several times. The victim seems to be questioning and developing his sexuality. His mother emailed the principal to report these incidents and express her concern, but she never got a response. She subsequently called CUAV's Love & Justice Project for support.

4. Melissa is a 21-year old transsexual Latina. On June 2, 2002, she and two friends, (also M-t-F's), were harassed by two Gay men at "Bar Lido", a Gay Latino bar in San Jose. One perpetrator harassed them on the dance floor, first physically (pushing) them verbally. The aggressor yelled, "You are not women! You are guys like me, or then show me your 'cunt'!" The women asked the security guard for help. He came but did nothing. The men escalated to a physical attack. The security guard asked the women to leave. Once outside, the aggressors followed them with glass bottles in hand. They threw these at the women. One assailant took his belt off and hit Melissa in the face with the buckle, cracked her palate, broke all her upper front teeth and cut her lip, including part of her nose. A witness called the police. The responding officer focused instead on the victims' gender status and their immigration status. He asked for legal documents, insisting, "You are illegal". He refused to arrest the assailants, saying, "I'll have to arrest all of you". The women accepted, insisting Melissa be taken to the hospital first. Upon seeing her injuries, the judge freed her from criminal charges. Melissa had months of dental treatment. Her physical recovery has been faster than her emotional healing. She can't comprehend the unnecessary brutality.

5. Erick, a 45-year old Gay white male, had been living in Cobb City, in Lake County. He contacted the CUAV crisis line because his neighbors were harassing and assaulting him constantly. During one incident of harassment, a young boy, possibly in his teens, stabbed Erick. The boy's father told Erick he deserved to die for being a 'faggot'. Police said no crime was committed since the injury didn't need medical attention. During multiple incidents of hate violence, including one where his dog was killed, Erick called the police but they either ignored him, or wouldn't give him a case number, or told him it was all in his mind. On some occasions even the police harassed him. For more than a year Erick contacted the CUAV crisis line, sometimes from a motel, since these perpetrators would vandalize and partially destroy his mobile home. He didn't feel safe calling the police. Erick's family tried to help from their Michigan home. His mother called the Cobb City Police Department, but was ridiculed with phrases like "it's the mommy". In July Erick's mother contacted the CUAV crisis line, very worried, because she hadn't heard from Erick. On August 9th, a day before his birthday, Erick's body was found at the bottom of a canyon. He had expired on July 25th from what appears to be a car accident. Erick had rented a car because the aggressors vandalized and destroyed his car.

6. Peter, a gay white male in his early 20s, was crossing Market and Valencia streets during the annual Halloween street party in the Castro District. He was detained by 3 police officers, was pinned to the ground and handcuffed. He got a cut on his eye, and his pants ripped open to his ankles. At least 50 witnesses yelled at the officers to lay off. One witness confronted the officers. He too was handcuffed. Both were taken to a temporary station. The cop in charge roughed Peter up. He tried to defend himself. He was taken in for being "drunk in public" and "hitting a police officer". He was thrown into the back of a big riot vehicle alone. The vehicle repeatedly accelerated and slammed on the breaks, bumping and throwing him around. They yelled, "Calm down in there!" At the station, Peter was told, "Your faggot boyfriend is obviously not coming back for you," and "The last time somebody touched me, they didn't end up in here". Peter pulled out his cell phone but was told "Don't even think of using that in here." He was cited for walking against a 'don't walk' signal, resisting and obstructing arrest, and battery on a peace officer. Peter called CUAV for assistance and emotional support. On his court date he found out charges were dropped. Peter was in college at University of California, Davis, but dropped out and moved to New York. He will eventually contact the Office of Citizen Complaints, but does not feel like pursuing anything further at this point.

Local Recommendations For 2002

1. Schools should foster acceptance and non-violent education, anti-oppression curriculums and policies that will support all students. School administrators need to enforce these policies to keep schools safe for all students, including LGBTQ youth. Gay-straight alliances and other coalition building within schools must be supported and fostered as key ways to sustain, empower, and advocate for the growth and diversity of all students.
2. The San Francisco Police Departments and the Police Commission should implement the work from the Transgender/Law Enforcement Task Force. This task force is vital to making real changes and decreasing the law enforcement abuse towards the transgender community by focusing on screening for transgender bias at the hiring level, recruitment, training, and re-training policies and practices. Further the SFPD should look for ways to comprehensively reform its early warning and accountability systems.
3. The community at large should hold the local and national media and government accountable for the racist stereotypes and bias fear that fosters anti-immigrant and racist atmosphere since September 11th, 2001 and during the "War on Iraq" and occupation of Palestine. People of color continue to be detained, deported, and profiled by law enforcement, as "terrorists." Civil liberties are being challenged as not having merit because our government must protect its national security. Meanwhile, the media needs to responsibly report the truth about the WAR on Iraq and the current Occupation of Iraq and the U.S.A. continuing the funding of Israel's Occupation on Palestine. The media's one sided discussion of these issues has locally fueled incidents of hate including a series of vandalism in San Francisco's Mission district that has scarred CUAV's offices, the Women's Building, and the home of a local Palestinian woman. War is a global act of terror and symbolically one of the largest examples of a hate crime towards populations of tens of thousands human beings, predominantly people of color.
4. California must pass AB205 which will grant registered domestic partners nearly all rights, benefits, and obligations currently available only to spouses under state law. The rights and responsibilities extended to domestic partners and their children under AB 205 include: decision making authority for funeral arrangements and disposition of remains, community property, and protection from threats and crimes against the families of public officials, custody provisions and child support obligations, access to divorce court, and death benefits for surviving partners of firefighters and police officers. The bill will also require mutual responsibility for debts, disclosures of conflicts-of-interest, and joint assessment of income for determining eligibility for state government assistance programs.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

ITEM 4.A.

08-14-03

DOCUMENTS DEPT.

AUG 11 2003

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

**Regular Meeting
Thursday, June 12, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Alicia Becerril, *Vice-Chair*
Khalidoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 12, 2003

1. CALL TO ORDER AND ROLL CALL

Commissioner Chair Heinicke called the meeting to order at 4:38 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*
Alicia Becerril, *Vice Chair* (arr. 5:53p.m.)
Haig Baghdassarian
Shirley Dimapilis
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles Ward

Commissioners Excused

Khaldoun Baghdadi
Daniel Grossman

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Marcus Arana, Larry Brinkin, Selormey Dzikunu, Bayard Fong, Cynthia Goldstein, Melinda Kanios, Veronica Ng and Diana Rathbone

Guests Present

Jinny Ahn (HRC Intern), Christine Akutagawa (HRC Intern), Casandra Cordova (HRC Intern), Tina D'Elia (CUAV), Adriana Dydel (HRC Intern), Chief Alex Fagan (SFPD), Assistant Chief Heather Fong (SFPD), Rachael Geller (HRC Intern), Chelsea Haley-Nelson (HRC Intern), Becca Lunine (HRC Intern), Jonnie Robinson (Mayor's Office), Mariah Sparks (CUAV) and Sergeant Stephan Thorne (SFPD).

A quorum was present.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

4. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

Chair Heinicke congratulated Commissioner Baghdassarian for passing the California BAR exam and noted that a response from PG&E was included in the Commissioner packets regarding the Bayview/Hunter's Point Pilot program. Chair Heinicke stated that the HRC will continue to follow up with PG&E.

Chair Heinicke asked for any public comment on this item. There was none.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 12, 2003

5. REPORT OF THE DIRECTOR

Director Harmon welcomed the HRC's summer interns and asked each of them to introduce themselves. The following interns introduced themselves: Adriana Dydel, M/W/LBE Unit; Jinny Ahn, Certification Unit; Casandra Cordova, M/W/LBE Unit; Becca Lunine, LGBTH Unit; Chelsea Haley-Nelson, LGBTH Unit; Christine Akutagawa, Fair Housing Unit and Rachael Geller, Employment Unit.

a. Presentation of Chapter 12.D.A. Waiver Report for May

Melinda Kanios (HRC Staff), presented the 12.D.A. Waiver Report for May. Commissioner Lee asked about the amount of the contract and the scope of work for sole source waiver number two. Director Harmon noted that the waiver number two is an emergency waiver, not a sole source waiver. Ms. Kanios stated that the scope of work had to do with a dry dock that had come loose from the port and needed to be pulled back to shore.

b. Update on re-authorization of Chapter 12.D.A.

Director Harmon stated that she was happy to report that the Board of Supervisors passed the re-authorization of Chapter 12.D.A unanimously on May 28 and the ordinance then went to be signed by the Mayor. The Ordinance is set for implementation July 1. The M/W/LBE Advisory Committee will be working with staff to update the Rules and Regulations, which will be brought before the Commission for approval. Chair Heinicke thanked Director Harmon, Commissioner Ward and Ms. Jonnie Robinson from the Mayor's office for all of their hard work.

c. Discussion of HRC Budget for Fiscal Year 2003-04

Director Harmon stated that the HRC is in the budget hearing process at the Board of Supervisors Budget Committee. The Director presented the HRC's budget for the next fiscal year at the Budget Meeting earlier today and will report back to the Commission at the next Commission meeting.

Chair Heinicke asked for any public comment on this item. There was none.

6. APPROVAL OF LETTER TO POLICE COMMISSION RECOMMENDING THE ADOPTION AND IMPLEMENTATION OF TRANSGENDER PROTOCOLS AND TRAINING GUIDELINES (ARANA)

Chair Heinicke thanked Acting Chief Alex Fagan and Assistant Chief Heather Fong of the San Francisco Police department (SFPD) for attending the meeting and being involved in this collaborative process. Larry Brinkin, (HRC Staff), thanked Marcus Arana for his work on this issue, in collaboration with Sergeant Stephan Thorne from SFPD and Jennifer Rakowski from Community United Against Violence (CUAV). Marcus Arana, (HRC Staff), stated that this project was a huge collaborative effort, including departments such as the SFPD, the OCC, and the HRC. The project also included efforts from many community-based organizations such as Transgender Law Center, CUAV, the Tenderloin AIDS Resource Center, and Proyecto Contra SIDA por Vida. Mr. Arana felt that this community

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 12, 2003

project is a great reflection on the City of San Francisco and is also a great model that other cities could use. The guidelines provide officers direction on how to deal with hazy, unclear situations involving transgender people and hopefully will reduce the number of incidents that occur between police officers and transgender community members.

Mr. Arana stated that this project began in January 2001, initiated by Commissioner Sparks who brought people together to implement this Task Force. The materials presented were drafted over a year's time, were then presented to the community for their input in January 2002, then to the San Francisco Police Department in April 2003. The goals were to demonstrate the Police Department's commitment to transgender civil rights, to increase individual officer's sensitivity to these issues and provide overall cultural competency to the Police Department. This project also encourages the San Francisco Police Department to recruit, hire and train transgender police officers.

The guidelines address issues such as: forms of pronouns when addressing a transgender person; assuming a that someone may be gay, lesbian or heterosexual because they are transgender; that individuals cannot be stopped just because they are perceived to be transgender; that a person should be treated appropriate to their gender identity; that one cannot require proof of gender identity or ask person to describe their body/anatomy; that if gender identity cannot be established by police officer or individual, then Health Department personnel will be responsible for medical determination of gender; to name a few.

Chief Fagan of the SFPD applauded all of the work that was done on this project and thanked Sergeant Stephan Thorne who worked tirelessly on this project. Chief Fagan stated that the Command Staff will be the first at the Police Department to be trained on these guidelines and all of the officers of SFPD will begin training in the Fall. Chief Fagan stated that this project has the total support of the Command Staff and again thanked the individuals who worked so diligently on this project. Chief Fagan noted that he looked forward to coming back in a year to update the Commission on how the training went within the Department.

Chair Heinicke asked for any public comment on this item:

Sergeant Stephan Thorne with the SFPD, stated that he was proud of the work that they have done on this project.

Tina D'Elia, Hate Violence Survivor Program Director, endorsed the Transgender Protocols presented to the Commission.

Commissioner Sparks stated that in 1999, 2000 and 2001, more than fifty percent of all violence committed against transgender people in the City and County of San Francisco were committed by individuals in law enforcement. Additionally, in 1999/2000 there was a law suit against the San Francisco Sheriff's department for the discriminatory treatment of transgender people. Commissioner Sparks thanked Marcus Arana, Sergeant Stephen

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 12, 2003

Thorne, Mary Dunlap, Dennis Herrera, former Chief Walsh and Assistant Chief Fong, and fellow Commissioner Martha Knutzen for their support and hard work on these guidelines.

Martha Knutzen stated that this project is a tremendous step since Stonewall in 1969, the beginning of this movement, where transgender people who stood up and said that they would no longer be treated unfairly. This event sparked the Gay Pride Parade and Commissioner Knutzen felt that these guidelines are a giant step toward equality and she acknowledged the greatness of this moment.

The letter to Police Commission recommending the adoption and implementation of transgender protocols and training guidelines was moved (Dimapilis), seconded (Lee), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	3	Baghdadi, Becerril, Grossman

Chair Heinicke asked if the Commission could receive a brief presentation on the significant events on June at the next commission meeting.

7. POSSIBLE APPROVAL OF AMENDMENT TO COMMITTEE GUIDELINES TO RE-ORGANIZE COMMITTEE STRUCTURE (YOUTH & EDUCATION AND ISSUES COMMITTEES)

Melinda Kanios (HRC Staff), presented the Commission with the amended Committee Guidelines for approval. The changes to the Guidelines include removing language referencing the Youth and Education Committee and inserting language to include youth and education issues through a special task force under the Issues Committee.

Chair Heinicke noted that Commissioner Grossman has agreed to head up the Youth & Education Task Force within the Issues Committee.

The amendment to committee guidelines to re-organize committee structure (Youth & Education and Issues Committees) was moved (Baghdassarian), seconded (Rollins), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	3	Baghdadi, Becerril, Grossman

8. HRC DIVISION REPORT

Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division

a. Report on hate-based violence against the lesbian gay bisexual transgender communities, presented by Community United Against Violence (Brinkin)

Larry Brinkin (HRC Staff), stated that CUAV has been in existence for almost twenty-five years and is one of the premier organizations in San Francisco. CUAV tries to prevent and responds to incidents of violence within the LGBT community. The HRC refers people to CUAV when the HRC receives reports of violence and vice versa.

Tina D'Elia distributed CUAV's 2002 National Hate Violence Report. Ms. D'Elia stated that in the year 2001-2002 San Francisco reported 3,057 cases of hate violence against lesbian, gay, bisexual and transgender individuals. Ms. D'Elia stated that reports involving youth under-eighteen in schools had risen. CUAV has been working closely with other agencies in the areas of domestic violence, youth dating violence and anti-hate violence with homophobia and transphobia. Ms. D'Elia stated that reports from the Latino/Latina community had also risen due to the implementation of a bilingual Latino/Latina staff at CUAV.

Ms. D'Elia spoke about specific instances of violence including a case which involved the kidnapping, torture and killing of a bisexual man and the murder of a seventeen year old of Gwen Araujo, a transgender and Latina youth. Both of these cases received a lot of media attention and generated a tremendous amount of support. Another case took place in San Francisco at a club in the South of Market area where two white individuals from Walnut Creek, CA went into the club and began making anti-gay remarks. When security asked these individuals to leave, they began making racist remarks, ultimately, these comments escalated into a physical attack.

Mariah Sparks, CUAV "Survivor" stated that she was one of the people assaulted in the South of Market incident and added that CUAV has been instrumental in dealing with the post-traumatic stress and legal issues stemming from this incident.

Chair Heinicke thanked Ms. Sparks for coming and sharing her story with the Commission, then asked Ms. D'Elia if there was anything that could be done to encourage reporting. Ms. D'Elia stated that community outreach is the most important thing to encourage reporting of these violent crimes.

Commissioner Sparks asked how the recommendations [from the 2002 National Hate Violence Report] were developed and who developed them. Ms. D'Elia stated that CUAV created the local recommendations but also participate in the national recommendations.

Chair Heinicke asked for any public comment on this item. There was none.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 12, 2003

9. COMMITTEE REPORTS

a. Presentation of HRC Committee's 6 month plan

Director Harmon presented the HRC Committee's 6-month plan (attached) and stated the she has been working with Staff to create this plan so that the Commission as a whole would have an idea of all of the issues that the HRC will be working on in the future.

Chair Heinicke asked the Commissioners to review these goals over the next two weeks for further discussion and possible amendment at the next Commission meeting.

b. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

i. Report of May 20, 2003 Committee Meeting

Commissioner Knutzen stated that Committee has been working on their Gender Identity Task Force, planning for Pride Day activities and creating an implementation plan for the Senior Issues hearing.

c. Minority/Women/Local Business Enterprise Advisory Committee

i. Report of May 21, 2003 Committee Meeting

Bayard Fong (HRC Staff), stated that the Committee discussed the following issues: work order funding, met with members from the San Jose Small Business Council to re-establish a diversity program for the city of San Jose, creating a mentoring program for newly certified firms from graduated firms, how to enhance workforce diversity in HRC certified firms, performance of departments in meeting the Mayor's goals and objectives and discussion of the City's prevailing wage policy and it's implementation.

Chair Heinicke asked for any public comment on this item. There was none.

8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

Commissioner Lee asked that the Commission send a thank you letter or resolution to former Commissioner Wilfred Hsu for his service to the Commission.

Chair Heinicke asked the Commission Secretary to draft a letter to former Commissioner Hsu to be approved at the next Commission meeting.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:07 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible.
You may request paper copies from the Commission Secretary **



MEMORANDUM

Date: June 12, 2003

To: HRC Commissioners

From: Virginia M. Harmon, *Director* Re: 2003 Advisory Committee Planning

The following are topics that each Human Rights Commission advisory committee will be covering over the next six months. These subjects were developed by Committee members, staffers and Commissioners through committee meeting discussions and/or retreats.

Employment Committee

- Presentation by the Living Wage/Living Health Division of the San Francisco Office of Contract Administration.
- Series of Presentations regarding City Layoffs – Consideration of disparity and effect on minorities & women.
- Presentation by the Employee Assistance Program, which provides counseling services for City employees affected by the layoffs.
- Presentation by the Vocational Assessor from the Department of Human Services regarding employment resources.
- Presentation on the effects of City layoffs on the Equal Services Access Ordinance.
- Report on the Equal Benefits Ordinance.
- Presentation on the City's First Source Hiring Program.
- Presentation on the Muni Light Rail Project - employment requirements in contracts
- Presentations on the effects of 9/11 on immigrant workers:
 - Operation Tarmac,
 - The merger of the Immigration and Naturalization Service (INS) into the Department of Homeland Security (DHS)
 - Deportation of undocumented Arab persons after registering with the INS.
 - The Social Security No-Match Letters from the IRS
- Presentation from Toolworks – provides tools and resources for persons with disabilities. They have training and employment programs and contracts with various businesses for their clients to provide janitorial and interior landscaping services. Privately funded & sustained.

Issues Committee

- Civil Liberties (including SARS Discrimination)
- Hate Crimes
- Housing: Article 33 – Age Discrimination added



- Housing: Fair Housing Month
 - Annual Children's Poster Contest
 - Annual Housing Resolution to an individual who has made a significant contribution
- INS - City of Refuge
- Patriot Act I: Hearing to discuss impact of Patriot Act I / Recent Incidents
- Patriot Act II
- Racial Privacy Initiative
- Racial Profiling
- Retail Discrimination
- SFPD's Progress (OCC, Police Commission, Racial Profiling, etc.)
- Youth & Ed: Race Relations in Schools
- Youth & Ed: Counselor/Student Ratio
- Youth & Ed: Teen Relationship Abuse
- Youth & Ed: Diversity in the SFUSD

Lesbian Gay Bisexual Transgender HIV Advisory Committee

- Task Force on Activism – This task force will promulgate ideas on organizing a community forum on empowerment for LGBT community members and organizations.
- Task Force on Intersex Issues – This task force will study issues important to the intersex community, particularly the problem of infant surgeries.
- Task Force on Gender Identity Issues – This task force will continue working on revisions to the Commission's gender identity guidelines.
- Work Group on Marriage and Family Issues – There has been an increasing number of initiatives to broaden the rights and responsibilities of same-sex couples and their families.
- Work Group on Tracking Budget Cuts – Many of the proposed budget cuts on the federal, state, and local levels will affect the LGBT communities.
- Panel on Homeless LGBT Youth – Many young people come to San Francisco to escape homophobia in their families and communities. Some end up homeless and there are few resources for them.
- Panel on Breast Cancer in the Lesbian Community – There is a high incidence of breast cancer in the lesbian community.
- Panel on Workplace Issues – Members of the LGBT communities still face discrimination and harassment in the workplace in San Francisco.
- Committee Work on Aging – The full committee will work on implementation of the recommendations contained in the report on the Commission's "Aging in the LGBT Communities" public hearing.

Minority/Woman/Local Owned Business Advisory Committee

- HRC Rules and Regulations
- Outreach Plan to Increase Pool of HRC certified firms.
- Mentoring Program for newly certified firms.
- Workforce Diversity of HRC certified firms.
- Enforcement of City's Workforce Diversity Policy
- Review Performance of Departments in Meeting Mayors Goals.
- Application of City's Prevailing Wage Policy

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, June 26, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

JUN 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

HRC CALENDAR: July 2003

July 03

Employment Committee Meeting
CANCELED

July 09

Issues Committee Meeting
CANCELED

July 10

HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

July 15

LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 16

M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 16

Environmental Racism: Naval Shipyard and Industrial Dumping
10:00am - 1:00pm
Southeast Community Facility
Commission
1800 Oakdale Avenue, SF

July 21

Youth & Education Committee Meeting
CANCELED

July 24

HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[☉Discussion Item *No Attachment*]
- b. Possible approval of commendation letter to former HRC Commissioner Wilfred Hsu
[☑Action Item *Attachment to be provided at meeting*]
- c. Commissioner discussion of proposed HRC Committees' 6 month plan
[☉Discussion Item *Attachment provided*]

5. REPORT OF THE DIRECTOR

- a. Update on Environmental Racism workshops (Rathbone/Truax/Tom)
[☉Discussion Item *No attachment*]

6. PRESENTATION FROM GLBT HISTORICAL SOCIETY ON SIGNIFICANT EVENTS OF GAY PRIDE MONTH (BRINKIN)

[☉Discussion Item *No Attachment*]

7. HRC DIVISION REPORT (TO BEGIN PROMPTLY AT 5:30 P.M.)

Employment, Housing and Public Accommodations (EHPA) Division:

- a. Report on United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Action Plan (Herrera)
[☉Discussion Item *Attachment provided*]

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.

City and County of San Francisco

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination



Willie Lewis Brown, Jr.
Mayor

Virginia M. Harmon
Executive Director

ITEM 4.C.

06-26-03

Date: June 20, 2003

To: HRC Commissioners

From: Toni A. Delgado, *Commission Secretary*

A handwritten signature in cursive script, appearing to read "Tad", enclosed within an oval shape.

Re: June 26, 2003 Agenda Item 4.C.
HRC Committees' 6-month plan

At the last Commission meeting (June 12, 2003), Chair Heinicke asked all Commissioners to review the HRC Committees' 6-month plan proposed by Director Harmon (attached).

Please review and be prepared to discuss any amendments or suggestions for the direction of our committees.

Thanks much!



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

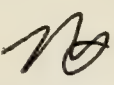
ITEM 9.A.

06-12-03

MEMORANDUM

Date: June 12, 2003

To: HRC Commissioners

From: Virginia M. Harmon, *Director* 

Re: 2003 Advisory Committee Planning

The following are topics that each Human Rights Commission advisory committee will be covering over the next six months. These subjects were developed by Committee members, staffers and Commissioners through committee meeting discussions and/or retreats.

Employment Committee

- Presentation by the Living Wage/Living Health Division of the San Francisco Office of Contract Administration.
- Series of Presentations regarding City Layoffs – Consideration of disparity and effect on minorities & women.
- Presentation by the Employee Assistance Program, which provides counseling services for City employees affected by the layoffs.
- Presentation by the Vocational Assessor from the Department of Human Services regarding employment resources.
- Presentation on the effects of City layoffs on the Equal Services Access Ordinance.
- Report on the Equal Benefits Ordinance.
- Presentation on the City's First Source Hiring Program.
- Presentation on the Muni Light Rail Project - employment requirements in contracts
- Presentations on the effects of 9/11 on immigrant workers:
 - Operation Tarmac,
 - The merger of the Immigration and Naturalization Service (INS) into the Department of Homeland Security (DHS)
 - Deportation of undocumented Arab persons after registering with the INS.
 - The Social Security No-Match Letters from the IRS
- Presentation from Toolworks – provides tools and resources for persons with disabilities. They have training and employment programs and contracts with various businesses for their clients to provide janitorial and interior landscaping services. Privately funded & sustained.

Issues Committee

- Civil Liberties (including SARS Discrimination)
- Hate Crimes
- Housing: Article 33 – Age Discrimination added



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



- Housing: Fair Housing Month
 - Annual Children's Poster Contest
 - Annual Housing Resolution to an individual who has made a significant contribution
- INS - City of Refuge
- Patriot Act I: Hearing to discuss impact of Patriot Act I / Recent Incidents
- Patriot Act II
- Racial Privacy Initiative
- Racial Profiling
- Retail Discrimination
- SFPD's Progress (OCC, Police Commission, Racial Profiling, etc.)
- Youth & Ed: Race Relations in Schools
- Youth & Ed: Counselor/Student Ratio
- Youth & Ed: Teen Relationship Abuse
- Youth & Ed: Diversity in the SFUSD

Lesbian Gay Bisexual Transgender HIV Advisory Committee

- Task Force on Activism – This task force will promulgate ideas on organizing a community forum on empowerment for LGBT community members and organizations.
- Task Force on Intersex Issues – This task force will study issues important to the intersex community, particularly the problem of infant surgeries.
- Task Force on Gender Identity Issues – This task force will continue working on revisions to the Commission's gender identity guidelines.
- Work Group on Marriage and Family Issues – There has been an increasing number of initiatives to broaden the rights and responsibilities of same-sex couples and their families.
- Work Group on Tracking Budget Cuts – Many of the proposed budget cuts on the federal, state, and local levels will affect the LGBT communities.
- Panel on Homeless LGBT Youth – Many young people come to San Francisco to escape homophobia in their families and communities. Some end up homeless and there are few resources for them.
- Panel on Breast Cancer in the Lesbian Community – There is a high incidence of breast cancer in the lesbian community.
- Panel on Workplace Issues – Members of the LGBT communities still face discrimination and harassment in the workplace in San Francisco.
- Committee Work on Aging – The full committee will work on implementation of the recommendations contained in the report on the Commission's "Aging in the LGBT Communities" public hearing.

Minority/Woman/Local Owned Business Advisory Committee

- HRC Rules and Regulations
- Outreach Plan to Increase Pool of HRC certified firms.
- Mentoring Program for newly certified firms.
- Workforce Diversity of HRC certified firms.
- Enforcement of City's Workforce Diversity Policy
- Review Performance of Departments in Meeting Mayors Goals.
- Application of City's Prevailing Wage Policy

CEDAW TASK FORCE

CITY AND COUNTY OF SAN FRANCISCO TASK FORCE FOR THE LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

CEDAW ACTION PLAN

(Approved February 1, 2003 by Commission on the Status of Women)

CEDAW VISION

The local implementation of the United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) will result in women and girls fully exercising their human rights including an adequate standard of living, education, bodily integrity and health; while acknowledging the multiple identities of women and girls including race, ethnicity, socio-economic status, sexuality, nationality, age, family status and immigration status.

Full implementation of CEDAW would ensure dignity and respect for women and girls in both public and private spaces; and end systemic forms of discrimination and violence towards women and girls in the United States.

This strategic plan is intended to provide a roadmap for moving expeditiously towards the implementation of CEDAW in the City and County of San Francisco. The overall vision is that, ultimately,

- All aspects of public and private sector will fully integrated CEDAW into their systems and structures; and
- Everything that happens to San Francisco women and girls will be interpreted and acted upon using the CEDAW conceptual framework, analysis and language.

FIVE YEAR ACTION PLAN

CEDAW principles are capitalized and bolded in Roman Numbers. Goals are lettered; priority goals and strategies are in bold. Strategies are numbered.

I. IMPLEMENTATION OF WOMEN AND GIRL'S HUMAN RIGHTS (CEDAW GENERAL PRINCIPLE)

A. Integrate the CEDAW analysis and framework into all of the Commission and Department on the Status of Women's work.

- 1. Train all staff and Commissioners about CEDAW so that they are able to utilize the framework in all of their work.**
- 2. Conduct a gender analysis of the DOSW and report the findings to all staff and**

Commissioners.

- B. Increase the number of women in decision-making roles and positions of authority.
 - 1. Regularly report on the number of women serving on city Commissions.
 - 2. Increase the number of women appointed to Commissions and promote the importance of Commissioners reflecting the diversity of San Francisco.
 - 3. Educate all San Francisco Commissioners on CEDAW principles and the local ordinance.
- C. Review federal, state, and local laws and public policies to identify systemic and structural discrimination against women and girls.
 - 1. Identify three specific areas of the law where laws and/or policies interpreting the law result in systemic discrimination of women or girls.
 - 2. **Work with local, state or national advocacy organizations to recommend changes in the law that would effectively end the discrimination or prevent discriminatory laws from being created (such as Ward Connelly's Privacy Referendum).**
 - 3. To identify policy and program best practices that could be implemented in San Francisco which would result in eliminating the systemic discrimination against women and girls, or minimizing the impact of national or state laws that are discriminatory.
- D. Integrate gender into every city department to achieve full equality for men and women through the city-wide budgeting process.
 - 1. **Develop a simplified gender analysis process that works for all areas of and including organizational/department budget, programs and services, and employment practices. The gender analysis process should allow for analysis by gender as well as by race/ethnicity, age and other identities.**
 - 2. Integrate gender analysis into annual planning, **budgeting**, and evaluation processes for San Francisco city departments.
 - 3. Ensure that all city departments are trained to utilize the gender analysis to ensure that women and men achieve full equality in the department's services, programs and employment.
 - 4. Promote awareness that women's rights are human rights by educating staff from city departments about the relevance and benefits of CEDAW.
- E. Increase the public awareness of CEDAW principles and the local CEDAW Ordinance in the San Francisco communities.
 - 1. **Develop CEDAW expertise within local strategic partners including advocacy, civil rights, and community-based organizations.**
 - 2. Increase the understanding of CEDAW principles and the local CEDAW Ordinance through conducting local forums, trainings, and workshops.

II. RIGHT TO AN ADEQUATE STANDARD OF LIVING

- F. Increase the opportunities for non-traditional and higher-paid employment for women.
 - 1. Increase the number of women employed by the City and County of San Francisco who are working in higher paid non-traditional jobs/classifications. While doing so, ensure representation of women of color equal to the population statistics.
 - 2. Review city recruitment policies and recommend practices that would result in increasing the diversity of the city's employment pool.
 - 3. Increase the number of women transitioning from welfare programs who are employed in non-traditional jobs earning wages that meet the Self Sufficiency Standard for San Francisco.
 - 4. Develop mentoring/training programs within job related groups to support women entering the field and achieving success.
- G. Develop and expand work/life policies that impact on women at all levels; ensure their availability to all women employees.
 - 1. Assess the current understanding of city employees regarding work/life options currently available, and determine priorities for city work/life policies.
 - 2. Increase the knowledge and awareness of San Francisco City and County employees regarding available work/life options.
 - 3. Increase the knowledge and awareness of the private sector regarding the benefits of work/life policies, focusing on small business and non-profit organizations.
- H. Increase women's access to financial resources, including bank accounts, loans, mortgages; and other forms of financial services.
 - 1. Identify patterns of discrimination against women consumers by financial service providers, including banking, loans, and other financial services.
 - 2. Increase the financial services and resources available to self employed women and/or women owned businesses.
 - 3. Increase the financial competency levels of women and girls, focusing on low-income communities.

III. RIGHT TO BODILY INTEGRITY, WHICH INCLUDES MENTAL, PHYSICAL, AND SEXUAL SAFETY WELL-BEING

- I. Increase civil and criminal justice, social service and other intervention strategies and make them more accessible to women and girls who experience violence.
- J. Increase the viable, accessible options for preventing violence against women and girls.
- K. **Monitor and evaluate the effectiveness and accessibility of the service delivery system (both governmental and nonprofit agencies) for both the prevention of violence and intervention services.**
 - 1. **Implement the recommendations of the Justice & Courage Report.**
 - 2. Train managers from the agencies funded by the DOSW about CEDAW. Work

with these agencies to incorporate the CEDAW analysis and framework in their work.

IV. RIGHT TO ACCESS ADEQUATE HEALTH CARE, INCLUDING RESOURCES ADEQUATE TO ENSURE MENTAL AND PHYSICAL WELL-BEING, NOT JUST ABSENCE OF DISEASE

- L. Increase access to health care and wellness information to all women and girls, regardless of insurance, family status, economic status, or immigration status.**
- M. Monitor and evaluate the health care systems (including governmental, private for profit and nonprofit agencies) to ensure they are comprehensive and accessible.**
- N. Increase the knowledge and visibility about the impact of the environment on the health and well being of women and girls.**

V. HUMAN RIGHTS OF GIRLS TO EDUCATION AND SOCIAL SERVICES

- O. Ensure that equitable conditions for career and vocational guidance, for access to educational institutions of all categories; evaluate factors impacting the full participation of girls and young women in school based academic and extracurricular programs focusing on activities that encourage skills development in science, math, technology, vocational training in skilled labor and other forms of transferable skills.**
- P. Ensure access to specific educational information to help to ensure the health and well-being of girls and their families, including information and advice on family planning.**
- Q. Ensure that girls enjoy the equitable opportunities to participate actively in sports and physical education.**
- R. Ensure nondiscriminatory application of human, social, and justice system services to all girls.**

CEDAW Committee

Existing CEDAW Task Force will sunset June 30, 2003. A new CEDAW Committee will be formed as a subcommittee to the Commission on the Status of Women (COSW). CEDAW Committee chair will be a commissioner and committee would report to COSW. Members would all be appointed by the COSW with nominations from current CEDAW Task Force Members. COSW will report to Mayor and Board of Supervisors on the work of the CEDAW Committee.

Role of CEDAW Committee:

- Provide a consistent focus on City and County of San Francisco implementation of local

- CEDAW Ordinance, ensuring that implementation reflects human rights principles.
- Evaluate the implementation of the strategies and priority areas established in the CEDAW Five Year Action Plan.
- Advocate for the resources necessary to fully implement the local CEDAW Ordinance and to successfully meet the goals established in the Five Year Action Plan.
- Actively support the Commission and Department on the Status of Women in fully integrating CEDAW into their mission, priorities and work.
- Provide connections between local CEDAW work and state, national and international work on CEDAW.

Membership:

- The Committee will have seven voting members and three non-voting "ex-officio" members.
- Committee members will be expected to have a commitment to the values and principles of CEDAW, and knowledge and experience in one or more of the following areas: human rights issues, education, employment/economics, violence against women, or health. Committee members will represent the public stakeholders, ensuring that implementation of the local CEDAW Ordinance positively impacts the lives of San Francisco women and girls.
- The seven voting members will include the President of the Commission on the Status or his/her designee and six at-large members.
- The six at-large members will be nominated by the CEDAW Task Force and appointed by COSW as follows: two members representing Mayor, two members representing President of the Board of Supervisors, and two members representing the Commission on the Status of Women.
- In addition to the seven voting members, there will be three non-voting ex-officio members. These members will not be included as committee members for the purposes of establishing quorum or voting. These members will include: the Mayor or his/her designee, the President of the Board of Supervisors or his/her designee, and the Executive Director of the Department on the Status of Women or his/her designee.

Current CEDAW Ordinance extended to June 30, 2003.....

12.K.4 (c) Five-year Citywide Action Plan. Provided sufficient funds are available, the Commission and the CEDAW Task Force shall jointly develop a five-year Citywide Action Plan. The Citywide Action Plan shall address how to integrate human rights principles into the City's operations, how to further implement the local principles of CEDAW as described in Section 12K.3, any and all deficiencies found in the gender analyses and the measures recommended to correct those deficiencies. The Commission and the CEDAW Task Force shall present the Action Plan to the Mayor and the Board of Supervisors on or before December 30, 2002. The Board of Supervisors Committee responsible for considering the City's budget shall hold a hearing to receive the Citywide Action Plan and public comment thereon. The Commission shall monitor the implementation of the Citywide Action Plan.

CEDAW TASK FORCE GENDER ANALYSES REPORT:

AN OVERVIEW OF CEDAW IMPLEMENTATION IN THE CITY AND COUNTY OF SAN FRANCISCO

December, 2001

INTRODUCTION.....	p. 2
BACKGROUND ON CEDAW IMPLEMENTATION & PROCESS.....	p. 2
FIRST TWO GENDER ANALYSES.....	p. 4
FOUR MORE DEPARTMENTS' GENDER ANALYSES.....	p. 5
FINDINGS OF THE DEPARTMENT GENDER ANALYSES.....	p. 5
FUTURE.....	p. 6

APPENDIX:

• THE SAN FRANCISCO RENT BOARD.....	p.10
• THE SAN FRANCISCO ARTS COMMISSION.....	p.11
• THE SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT.....	p.12
• THE SAN FRANCISCO ADULT PROBATION DEPARTMENT.....	p.14
• THE SAN FRANCISCO JUVENILE PROBATION DEPARTMENT.....	p.17
• THE SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS.....	p.19
• GENDER ANALYSES LIST OF PARTICIPANTS.....	p.22

CEDAW TASK FORCE GENDER ANALYSIS REPORT

CITY AND COUNTY OF SAN FRANCISCO TASK FORCE FOR THE LOCAL
IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

TO: THE MAYOR, BOARD OF SUPERVISORS, & COMMISSION ON THE
STATUS OF WOMEN

FROM: COMMISSIONER EMILY MOTO MURASE, CHAIR, CEDAW TASK FORCE

RE: CEDAW TASK FORCE SIXTH PROGRESS REPORT: OVERVIEW OF CEDAW
IMPLEMENTATION

DATE: DECEMBER 2001

INTRODUCTION

In April 1998, Mayor Willie Brown and the San Francisco Board of Supervisors unanimously enacted a local ordinance (No. 128-98) modeled on the UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW). The ordinance¹ requires the City to ensure the protection of human rights, including the elimination of discrimination against women and girls, and establishes a CEDAW Task Force to assist in its implementation in San Francisco. Since 1998, the Department on the Status of Women has facilitated the CEDAW Task Force whose 11 members balance City officials and community activists. After developing and refining a set of innovative guidelines for City departments to use to perform their own gender analysis, the CEDAW Task Force chose two City departments for the first analysis, the Department of Public Works (DPW) and the Juvenile Probation Department (JPD). Some of the issues raised by the first two analyses appeared to be citywide problems (or solutions) that one department could not solve on its own. To further verify this trend and continue the gender analysis process the Task Force chose four other City departments, Adult Probation Department, Arts Commission, Department of the Environment, and the Rent Stabilization Board. What follows is a summary of the findings of the six department gender analyses, with an emphasis on the most recent four. The appendix contains a summary of each individual department's recommendations and CEDAW Task Force response.

BACKGROUND ON CEDAW IMPLEMENTATION & PROCESS

CEDAW is an international treaty that was adopted by the United Nations General Assembly in 1979 and signed by then-President Jimmy Carter over twenty years ago. Congress has not yet ratified it and the United States is thus not subject to its obligations. One hundred and sixty-six

(166) other countries have ratified CEDAW, including all other industrialized member states of the United Nations and most so-called "third-world" countries. San Francisco's ordinance makes us the first—and still only—city in the United States to implement the underlying principles of CEDAW on a local level.

The ordinance works to promote gender equity and equal access in (1) economic development and employment, (2) violence against women and girls, and (3) health care. The passage of this historic ordinance resulted from a unique public/private partnership between the San Francisco Commission on the Status of Women (COSW) and a consortium of community organizations spearheaded by the Women's Institute for Leadership Development for Human Rights (WILD). San Francisco is leading the way, but others are working on following in our footsteps. Organizers from Seattle, Santa Cruz, Los Angeles, Palo Alto, Santa Clara, Chicago, and Boston are working toward similar initiatives and have sought our advice and assistance. The ordinance and its implementation progress have received international recognition. It was included in the United Nations Development Fund for Women's collection of best practices worldwide for implementing CEDAW and has been studied in Sweden as a model as well as presented to the American Association of University Women in California.

The ordinance is designed to eliminate discrimination, including violence, against women through implementing CEDAW principles within San Francisco. CEDAW broadens the definition of discrimination to protect women and girls' "human rights or fundamental freedom[s] in the political, economic, social and cultural, civil, legal or any other field." CEDAW expands the definition of human rights, giving formal recognition to the influence of culture and tradition. It recognizes that differences in life experiences often result in the social, economic, and political inequities for women and girls that permeate our society and determine how decisions are made. The CEDAW Ordinance broadly defines discrimination against women and girls as any, "*Distinction, exclusion, or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural civil or any other field.*" The definition of discrimination includes gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately.

The ordinance requires City departments to undergo gender analysis to determine whether the departments are implementing the principles of CEDAW or discriminating against women and girls in their service delivery, employment practices, and budget allocation. The purpose in analyzing the operations of departments is to identify discrimination and, if identified, to remedy that discrimination. The aim is to integrate gender into daily operations so that women and men, as well as girls and boys are ensured adequate access to services and fairness in the workplace. The Task Force selected two departments to undergo the first gender analysis in 1999. The CEDAW framework recognizes that all departments are interconnected and part of a unified whole. Thus, the actions of the selected departments impact other departments and private entities. Equally important, the CEDAW framework also recognizes that citywide policies, unions and/or the public set many practices, and that external factors can influence the creation of an efficient or just environment within any single department. *The Department of Public*

Works was selected for its large size, nontraditional employment opportunities for women, and provision of indirect services (services not provided directly to an individual person), such as street construction and building design. *The Juvenile Probation Department* provided an opportunity to examine service provision to an increasing population of diverse young women, and to delve into its community services.

The two departments underwent gender analysis in the summer of 1999. The analysis was conducted with the help of department staff, unions, and community representatives. The departments used the guidelines to conduct a self-analysis, based on the view that critical self-examination is essential for any long-term change. The guidelines provide a framework to document and address the differential impact of services, employment policies, and budget allocations on women and men in a three-step process: (1) gathering information, (2) assessing the situation, and (3) recommending what, if any, city practices and policies should change to promote gender equity. The ultimate aim was not to produce yet another departmental report but to put a process in motion that would encourage and institutionalize new ways of thinking about gender. The full guidelines are available at <<http://www.ci.sf.ca.us/cosw/cedaw.htm>>.

FIRST TWO GENDER ANALYSES: DEPARTMENT OF PUBLIC WORKS & JUVENILE PROBATION

First and foremost, it was found that the very process of conducting a CEDAW gender analysis created an awareness of and sensitivity to gender-related issues at both departments. Most departmental personnel not only were receptive to the analysis as a proactive approach to eliminating discrimination, but some staff, on their own initiative, began to change the way they evaluate their policies and programs to serve all persons more effectively. Top management at the Juvenile Probation Department expressed that the gender analysis had a decisive impact on their operations helping them to promote gender specific services. Staff at the Department of Public Works acknowledged that service delivery might impact women and men differently, and recognized the need to recruit women into nontraditional employment positions. Many staff members of both departments appreciated the vision of incorporating an awareness of human rights with a gender lens into their work, recognizing that they serve a diverse population with many needs. The full report is available at <www.ci.sf.ca.us/cosw/cedaw/analysis.htm>.

The analysis found that several themes were present in both departments:

- 1) There was a general need for education on human rights with a gender perspective.**
- 2) There was an absence of comprehensive data relevant to evaluating the gender equity of department's budgets, services, and employment practices.**
- 3) There is a need to create a more fair and equitable workplace by:**
 - **Increasing effective recruitment efforts for a diverse workforce**
 - **Providing meaningful work-life policies to retain employees**
 - **Increasing professional development and training opportunities for all employees**

FOUR MORE DEPARTMENTS' GENDER ANALYSIS

Upon completing the first two gender analyses, the CEDAW Task Force spent considerable efforts revising the guidelines, making them both user friendly and comprehensive. Additionally, it was evident that the budget analysis lacked an overall review of the budget process. This area was expanded to focus on the budget planning protocols, including how objectives and goals are set and review how a department develops its strategic plan. In addition, a much greater time period (a year versus three weeks) was given to complete the analysis with greater emphasis placed on self-analysis.

The CEDAW Task Force reviewed carefully which four new departments would follow best on the work of the previous two and also represent policy concerns that affect women and girls in the City and County of San Francisco. With this in mind, the four new departments chosen were:

- 1) **Adult Probation Department** (chosen in part to follow up on the work already done at Juvenile Probation)
- 2) **Arts Commission** (chosen in part due to its educational programs for youth in San Francisco)
- 3) **Department on the Environment** (chosen in part because it is a new department without a history)
- 4) **Rent Stabilization Board** (chosen in part for the significant impacts housing has in San Francisco)

FINDINGS OF THE DEPARTMENTS' GENDER ANALYSES

1) **First, the analyses continued to find that the very process of conducting a gender analysis does create an awareness of and sensitivity to gender-related issues at each department.** Human rights education is key. Departmental staff appreciated the human rights "pro-active" application as being more effective than a reactive discriminatory complaint driven approach. Recognizing why or how a practice or policy is or is not effective helps promote equity. Correcting inequities before they caused problems or complaints also held a lot of appeal.

Department heads, their liaisons and staff became mindful of gender-related issues and concerns. For instance, the Chief Adult Probation officer, on his own initiative, incorporated gender analysis into staff meetings on the issue of safety and having more probation officers in community probation. While community policing is a goal of the Adult Probation Department, female officers indicated a concern for safety when alone in the community. The Chief brainstormed with staff around the issue of the use of cell phones or pairing officers to meet the concerns of his employees and the department. At the Arts Commission, staff mentioned that while many programs are designed to reach a diverse audience, no one has collected information on gender participation or looked at gender differences. At the Rent Board, where class issues predominate, it was noted that many individuals who utilize the service are elderly women with no other options for assistance. The newest department, the Department on the Environment, recognized that most of their technical staff are male.

There is still a general need for education on human rights with a gender perspective, however, we found that this effort needs to be adapted to each individual department. The understanding of human rights and gender issues differed from department to department. While many appreciated a better understanding of what these issues mean and the history of where they come from, most people could not understand how it related to their work. It was news to most that gender is a social constraint and not a biological one. This concept was best understood when explained with examples, such as how gender, not biology has kept us from having a female president.

2) Second, the absence of comprehensive data relevant to evaluating the gender equity of departments' budgets, services, and employment practices was the biggest barrier in doing a thorough analysis. It became evident that even in departments that collected data, the task of gathering information disaggregated by gender, race, and other attributes was difficult and rarely done effectively. This was particularly true when analyzing services. Most departments could not tell with very much detail whom they serve. While many could give numbers --gender, race or other attributes, such as age, sexual orientation, marital status were impossible to determine. The lack of detailed and comprehensive data made it impossible to determine if there is bias or even trends in usage that accompany gender differences. While we understand the sensitivity and legal issues involved in asking for confidential information (including the fear that this information can be misused to discriminate against employees and clients), it is necessary to collect this data for a meaningful analysis.

A human rights analysis understands the important links between gender and other social identities such as race, immigration status, parental status, language, sexual orientation, disability, age, and other status. Where possible, data should be collected so that it is disaggregated by these and other criteria. Disaggregating solely on the basis of gender or race is often insufficient to reveal all forms of discrimination. For example, without knowing if one is a parent, it is difficult to determine trends in promotions of women or men with children. If parental status or sexual orientation is hidden from the analysis, biases can also remain undetected. At the Rent Board, the only information collected on services was one's status as a landlord or tenant. While the department on its own recognized the need for providing services in a diversity of languages, there was no verifiable data on which languages were most in demand. The Arts Commission generally did not collect data on its customers by gender or race, nor did the Department of the Environment. The Adult Probation Department had the most information on its clients (individuals on probation).

The analysis recognizes the limitations of available data. First, the City and County of San Francisco only requires that certain data be collected and maintained. The required data, mostly on employees, has not changed in many years nor have the current categories been reviewed. There are some in the public arena that are currently attempting to restrict data collection along the lines of the restrictions on affirmative action in Proposition 209. The suppression of information makes it much easier for discrimination to flourish. Data and statistical data are the strongest evidence of any discriminatory patterns; without it the patterns cannot be exposed.

To ensure meaningful human rights analysis and non-discriminatory services for all women and

men data collection is essential. The analysis urged departments to collect data from clients, community groups, and employees in as many categories as possible, on a voluntary and confidential basis.

3) Third, fair and equitable workplace environments are necessary. The new analyses demonstrated that most departments need assistance in recruiting, sustaining and developing a diverse workforce. This new analysis also demonstrated that departments with strong work-life balance environments help retain and sustain a professional staff and atmosphere.

Recruitment: Each of the six departmental gender analyses exposed the fact that the City and County of San Francisco lacks an energetic recruitment process. In the past, many city jobs were secured by word of mouth. Who knew whom and who helped who get a job resulted in the current civil services rules that are meant to eliminate discrimination and promote fairness. What the analysis found, repeatedly, was that the current recruitment and practices are dated, and that many individuals who are the intended beneficiaries of these rules and practices are still left out of the opportunity to participate in the process. Hiring is a slow and often-tedious process that ultimately discourages creativity and openness on behalf of departments and does not always result in a wide or diverse applicant pool.

Each of the new departments that underwent analysis was small and did a varying degree of outreach to women and girls of diverse backgrounds. Time and again the standard recruitment mechanisms consisted of posting a job description and mailing to a somewhat dated list of agencies or newspapers. Even the use of distribution by email and career websites was rare. Calls to key individuals and person-to-person recruitment efforts were minimal. Long-term strategies to influence the labor pool were not addressed at all. Small departments in particular did not have resources for effective recruitment. The newest department, the Department on the Environment, which turned out to also have the most nontraditional working staff (many technical and science related positions), had a difficult time filling these positions with women or people of diverse backgrounds. While most departmental staff had the best of intentions, a lack of knowledge and resources on modern recruitment practices was evident. A long tradition of assuming applicants will somehow find the appropriate job announcement on her or his own has been an obstacle to innovative outreach efforts.

On a positive note, the Adult Probation Department, which has received negative publicity in the past year in other areas, was one of the best at attracting a diverse work force and in particular had a high percentage of women in the nontraditional field of probation officer. They even went so far to analyze why one particular recruitment class was not attracting enough diverse women and realized that the qualifications needed to be adjusted to be more in line with San Francisco/Bay Area standards. However, this department also has a difficult time with retention (except in the unit that permitted telecommuting), and stereotypically had its lowest paying jobs filled by women.

Work-life policies and practices: Here the data demonstrated that when work-life policies are in place, they are very effective in the retention of valuable employees, boosting morale, and offering flexibility in both staffing and customer service and cost savings. Many of the

departments we reviewed had positive or varied work-life programs, the most common being a flexible work environment. Consistently in focus groups and management, we found these policies to have a very positive impact. At the Arts Commission the staff and management expressed an appreciation for the trust and flexibility that exists. As a result, there is very little turnover in a highly professional and dedicated staff. At the Rent Board, some individuals work part time, others telecommute, and despite the extreme pressures of working within San Francisco's housing crisis, the staff expressed satisfaction with the professional and flexible work environment. At the Adult Probation Department, where telecommuting was instituted in the investigators office (with a formal procedure drafted ten years ago with assistance from the City Attorney's office), the practice not only saves considerable resources but has made the unit the Department's most popular--no one wants to leave and some have retired rather than been transferred out.

In January 2001, the Department on the Status of Women surveyed departments of the City and County of San Francisco to assess the type, extent, benefits and concerns of current work-life programs and policies within City and County of San Francisco departments. The survey found that departments with flexible work-life policies cited this as a strength that also helped with moral (92%), customer service (65%), job retention (59%) and recruitment (50%), reduced sick leave (47%), and improved performance (45%). Most departments viewed the benefits of these practices as far outweighing the concerns. Although the study found a variety of programs and practices most had very low utilization rates. See the full report [<www.ci.sf.ca.us/cosw/worklife/index.htm>](http://www.ci.sf.ca.us/cosw/worklife/index.htm).

4) Gender Analysis Guidelines and Process. Departments found the gender analysis process to be very comprehensive but also overwhelming to staff already stretched thin with other responsibilities. The lack of disaggregated data made it difficult to do an effective analysis; the information gathering alone is very labor intensive, and does not always leave the energy or resources necessary for a successful examination. Part of the problem was that the study was a new process necessitating much work but with no additional resources for department staff.

To ensure each department will implement the principals of CEDAW and take a proactive approach to eradicating discrimination in the City and County of San Francisco this process needs to be simplified. The City and County of San Francisco has recently begun to move in the direction of requiring City Departments to do more strategic planning, and setting performance objectives and measurable outcomes along with improved customer service plans. Each of these fits naturally into the guidelines outlined for doing a gender analysis with a human rights approach. It may make sense to combine these to ensure a equitable work and service environment.

FUTURE

The CEDAW Task Force is preparing a five-year action plan that will make specific recommendations for incorporating the findings herein. Included will be an exploration of combining the gender analysis with current requirements for completing the City and County of San Francisco budgeting protocols. The action plan will be presented at a public hearing in the

Fall of 2002.

APPENDIX

Each department did extensive data collection and wrote a full gender analysis report with its own recommendations. The collected data is stored at each department and at the Department of the Status of Women (DOSW). Each department's final report is available on our website <http://www.ci.sf.ca.us/cosw/cedaw/analysisrpts.htm>. What follows are the highlights of each department's recommendations and any made by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Task Force. Also included is a list of participants.

• THE SAN FRANCISCO RENT BOARD.....	p.10
• THE SAN FRANCISCO ARTS COMMISSION.....	p.11
• THE SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT.....	p.12
• THE SAN FRANCISCO ADULT PROBATION DEPARTMENT.....	p.14
• THE SAN FRANCISCO JUVENILE PROBATION DEPARTMENT.....	p.17
• THE SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS.....	p.19
• GENDER ANALYSIS LIST OF PARTICIPANTS.....	p.22

SUMMARY OF THE CEDAW GENDER ANALYSES OF SIX CITY & COUNTY OF SAN FRANCISCO DEPARTMENTS' RECOMMENDATIONS

THE SAN FRANCISCO RENT BOARD

The Rent Board is a relatively small City and County of San Francisco department quasi-judicial organization, created by ordinance in 1979 to alleviate the city's housing crisis. Charged with enforcement of the City of San Francisco's Rent Control Ordinance, its current focus is limited to implementing the ordinance, which in turn emphasizes providing information and referral services about rent control, and holding binding adjudications to resolve disputes. Currently, the Rent Board does not play a significant role in shaping housing policy within the City and County of San Francisco. It views its duties as designated by legal mandate—most notably the Rent Control Ordinance. While the Rent Board's powers are not explicitly limited by statute, its funding is only provided for its designated duties. The Rent Board directly interacts with a large number of San Francisco's renters and landlords, and as such, is in a unique position to provide learned input on how housing policy changes could impact San Francisco's residents. There is a great need for citywide collaboration to alleviate our current housing crisis—in particular, to provide more affordable housing.

RENT BOARD RECOMMENDATIONS:

Budget

The Fee Ordinance should be amended so that payment of the rental unit fee is allocated between landlords and tenants in amounts that are reflective of their demands for services. Appropriate allocation, hopefully, would make the yearly process of obtaining necessary budgetary increases more fair and less politicized, the current Proposition H² issue notwithstanding.

Service

The service evaluation form should be disaggregated by gender in order to track comments from female members of the public.

Employment

There should be a citywide policy to retain half-time positions as options for employees, rather than leaving this fight for each department to wage alone.

CEDAW TASK FORCE RECOMMENDATIONS:

Budget

- The Rent Board should work more in collaboration with other City departments to

achieve a Citywide policy for meeting housing needs of our residents, and for currently addressing the City's housing crisis by encouraging affordable housing options.

- Currently, the Rent Board has no strategic plan. The department has indicated that based on its ordinance driven legal mandate it does not need traditional strategic planning and that its budgeting goals are also based on legal mandates. While the Rent Board's director talks to different groups for input, there is no institutionalized process in place to get public or employee input and no plan for doing things differently. It is understood that additional funding may be difficult to find, however, it would be aided by a planning process that was based on disaggregated data and a process which institutionalized public and employee input. A strategic plan and departmental priorities should address the tenants' and landlords' needs as reflected in disaggregated data.

Service

- In addition to evaluations, analyze budget allocations and service provisions by gender and ethnicity: this necessitates tracking the Rent Board's programming/customers by gender and ethnicity (disaggregating). *Which is benefiting from services? Who are the tenants/landlords the department serves? Who is paying department fees?* Gender, race, and other disaggregated data should also be reflected and considered in developing all of the Rent Board's forms and surveys. This information is crucial for a more complete analysis.

Employment

- A participant in a focus group described the Rent Board as a model for best practices in flexibility in work: it offers part-time and flex-time and has a good record of promoting women. The participant stated that part-time work and flextime creates a positive work environment, improves work performance, and creates a great place for women to work. These practices should be maintained.

Additional

- The rent control/housing study and future studies should include gender as an issue, with a particular focus on young women, women victims of domestic violence and sexual abuse, and low-income women.
- Set goals for increasing language accessibility including the number of interpreters.
- Add domestic violence to the Department's violence prevention employee policy.

THE SAN FRANCISCO ARTS COMMISSION

The San Francisco Arts Commission champions the arts in San Francisco. The charter of the City and County of San Francisco established the department in 1932 to ensure that the arts would be incorporated into civic infrastructure for the City's residents. The Arts Commission continues to emphasize that a creative cultural environment is essential to the City's well being. Programs integrate the arts into all aspects of city life. The Arts Commission's extensive set of programs and special projects include the: Art Gallery; Civic Art Collection; Civic Design Review; Community Arts and Education including four neighborhood cultural centers: Cultural Equity Grants, Public Art, Street Artists, and the annual Summer in the City Pops Concert.

ARTS COMMISSION RECOMMENDATIONS:

- All programs, services, and operations, which include gender as one of the focuses will be evaluated. Management will consider hiring a consultant to help establish a meaningful evaluation process as well as a survey tool for each program. The community will be involved in this evaluation process.
- The practice of offering staff flexibility and consider offering more options such as job sharing, part-time (most staff are full-time), compressed work week; formal telecommuting where feasible, and other work-life resources (most likely in conjunction with other departments) such as childcare and elder information or referrals, etc. will be continued.
- The issue of the Street Artist lottery and the impact on parents will be looked into.
- The need to initiate a strategic planning process will be assessed.

CEDAW TASK FORCE DISCUSSION AND RECOMMENDATIONS:

Most of CEDAW Task Force recommendations were incorporated into the department's gender analysis: disaggregated data should be collected not necessarily in every area but in particular areas for which the collection process is not too labor-intensive, as well as in program areas which have been very successful (Street Artists program). Areas of improvement include: expanding intern and mentorship's programs, diversifying recruitment strategies, publicizing gender work that is already being done, looking into compressed workweek schedules, and evaluating the timing of lottery for Street Artists so it will not conflict with parental responsibilities.

THE SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT

The San Francisco Department of Environment (SF Environment) is one of the newest of the City's departments – it was founded by a voter approved Charter amendment in 1995, and began operations in early 1996. It is still one of the smallest departments in the City – for 2000-2001; SF Environment had 13.29 FTE staff and an annual budget of \$1,578,034. Virtually all the staff is new. SF Environment's overall mission is to improve, enhance, and preserve the environment and promote San Francisco's long-term environmental sustainability. SF Environment is responsible for regularly producing an assessment of San Francisco's environmental condition. It must also produce and regularly update plans for the long-term environmental sustainability of San Francisco. SF Environment has three program areas that were developed in support of ordinances passed by the Board of Supervisors. These are the Clean Air Program, the Resource Efficient Building Program, and the Integrated Pest Management Program. In addition to the three programs mandated by ordinance, SF Environment conducts extensive public outreach and works on a variety of issues that come before the Commission on the Environment, including issues of toxics reduction (such as dioxin, mercury, and pentachlorophenol), recycling, habitat conservation, energy conservation, renewable energy, and urban forestry. One of the largest

new initiatives that SF Environment is responsible for is administering a new \$13 million dollar grant program for the Bayview/Hunter's Point and Potrero Hill neighborhoods.

DEPARTMENT OF THE ENVIRONMENT RECOMMENDATIONS:

- The Commission on the Environment needs to set up a mechanism for members of the public to voluntarily self identify to aid in collecting disaggregated data by gender, race, and other attributes.
- For future planning retreats, a mechanism needs to be set up for employees to give feedback to the facilitator prior to the actual retreat. This could be done by email. As the Department builds its new strategic planning process, it may benefit from integrating gender into this process.
- The department needs to look for additional financial and staff resources to survey constituents served and thereby be able to conduct comprehensive planning processes, including the integration of gender analysis into each process.
- The department needs to look for intern or volunteers help to do a review and report on scientific literature on gender impacts of environmental issues.
- In developing the application process for funding for the current grant program in the Bayview/Hunters Point and Potrero neighborhoods, gender needs to be included in the request for proposals, the outreach, recruitment, review panels and implementation of grant projects. Use available resources, such as The Women's Foundation, in the development of this process.
- An outline of the resources that would be required to incorporate gender analysis into programs and priorities needs to be prepared.
- Incorporate gender analysis into the performance measure process for next year including mechanisms for tracking all community input by at least gender and ethnicity.
- Take steps to ensure that diversity is always a prime consideration in recruiting, and do what it can to foster experience in environmental fields through promoting paid internships and entry level positions aimed at recruiting people of color to specialized environmental programs. Diversity needs to also be a consideration in planning for new program areas. Specific steps that should be undertaken include the following:
 - Whenever positions are available, make outreach calls to advocates of color and scientific women's groups.
 - Compile and regularly update a database for recruitment notices.
 - Develop comprehensive standard recruitment procedures to ensure that all possible outreach options to recruit women and people of color are used.
- As resources become available, create more paid internships and entry-level program positions to recruit women and people of color who may not have the requisite level of experience in this field.
- Reviews needs to be conducted on a timely basis, and time should be allocated for regular meetings and feedback sessions with staff.
- The department needs to review flexible work schedules, health and safety issues, and family care issues on a regular basis. The department needs to also research childcare referral options and supply this information to employees.

CEDAW TASK FORCE RECOMMENDATIONS:

Department on the Environment incorporated almost all of its recommendations in its gender analysis. One additional recommendation was to integrate gender concerns into the development of evaluation measures and the inclusion of gender in the RFP process (from draft of RFP, outreach, recruitment, review panels, and for the distribution of funds for \$13 million grant program at Bayview/Hunter's Point and Potrero Hill neighborhoods). The Task Force members emphasized that gender analysis goes beyond merely counting how many women or men are selected and instead looks at whether people have an understanding at how gender affects their work.

The Task Force also focused on the impact of gender in the Clean Air Program. A review of the scientific literature on gender impacts of environmental issues needs to be conducted. Additionally, as noted in the analysis, Department on the Environment needs to expand its recruitment efforts to include making outreach calls to advocates of color and scientific women's groups, following up on leads, offering paid internships, continuing to develop flexible work options (flexible arrival times and moving to a 9/80 work schedule), and starting to offer childcare resource referrals.

THE SAN FRANCISCO ADULT PROBATION DEPARTMENT

The Adult Probation Department's (APD) mission is to serve and protect the community through the investigation and supervision of adult criminal offenders. The state Superior Court for the County of San Francisco is the judicial entity of the City that sentences adult offenders to probation, specifying the length of each sentence and the conditions to which the probationer must adhere. The Department serves the courts by providing thorough, timely, and accurate reports to assist judges in making appropriate sentencing decisions. It monitors the behavior of persons placed on probation and holds them accountable for any criminal activity and returns them to court when they fail to comply with conditions of their release. The Department also furnishes offenders with counseling referrals for rehabilitation services enabling probationers the opportunity for self-improvement and subsequently reducing criminal behavior. It provides information, resources, and assistance to the victims of crimes. The department collects restitution on behalf of victims and collects fines and fees for the benefit of the City.

Probation is changing with the new Substance Abuse and Crime Prevention Act of 2000 (Proposition 36) that went into effect on July 1, 2001. Proposition 36 is a post conviction statute that focuses on treatment in which eligibility commences upon conviction. This Act will increase the number of people supervised by the Adult Probation Department. The Adult Probation Department in turn has proposed a Treatment Network-Proposition 36 Unit. The Network program has been a part of the department since 1995. It's an 18-month voluntary or Court mandated program for women who have been sentenced to probation for drug and alcohol related offenses. The focus for Network since its inception has been for women drug offenders.

ADULT PROBATION DEPARTMENT RECOMMENDATIONS:

APD is proud of the success of their network and telecommuting programs. Given additional resources, however, these programs would allow the department to serve the community at an even higher level than what is currently being done. APD envisions moving out into the community more and both programs fit well into the vision.

Network Program: The Criminal Justice Treatment for Women (Network) program at the Adult Probation Department is an example of a best practice that the department would like to cultivate to ensure it continues. The APD in turn has proposed a Treatment Network-Proposition 36 Unit. Since the infrastructure is already in place and provides the linkage between the criminal justice system agencies and treatment providers, the APD seeks to encompass Proposition 36 clients, men and women as well. Given the success of the Network, the APD would like to see all women on felony probation receive the types of services offered by the Network Program. The only way this will happen will be for the Network to continue.

Work-Life Options: As APD continues to experience attrition of its staff, it has been noted that employees who are participating in the telecommuting program have remained with the department. It is believed that the program is not only a best practice, but also a means of improving employee retention. APD is looking at expanding its telecommuting program to other areas of the department. What the department sees as an alternative to pay incentives is the ability to offer proactive work schedules that accommodate the variety of work-life styles that are prevalent in the Bay Area.

Volunteers: Recognizing that additional staff is a costly venture, the department would like to create a program that brings volunteers into the department. A coordinator who would provide training to volunteers and other things as necessary to head the program.

Speakers Bureau: APD would benefit greatly from additional staff to implement a Speakers Bureau, implement a formal program for volunteers, and reduce caseload size. With the average caseload of approximately 100 maximum risk cases, APD does not have the resources to staff these additional programs.

Recruitment: Currently the department does not have a budget for recruitment. This is a very pivotal factor in the department's ability to reach a diverse population. We wonder if a percentage of housing on Treasure Island could be reserved for hard to fill City and County employees. The housing situation makes it difficult for women, many who are head of their household, to live in the Bay Area. We believe this affects our ability to recruit women. To address this problem we feel providing free Muni passes and subsidized day care would increase the number of women who are gainfully employed by the department.

Customer service: Customer service is central to any agency that serves the public. Excellent customer service is a goal of the APD. In May of 1999 The Office of Contract Education, City

College of San Francisco submitted a survey and proposal to improve customer service to the department. Although the department agrees with the content of the reports, the proposed training is not within the current budget the department has to work with.

CEDAW Task Force Response:

At the time this report was written the Task Force was finalizing its response. Comments that were made at the time of the final report's presentation included:

The Task Force was impressed with the Adult Probation's incorporation of many previous concerns, namely:

1. the information reviewed in data collection about Adult Probation "services,"
2. the adjustment to qualifications of probation officers to ensure an equitable recruitment effort,
3. information on use of interpretative services, and
4. an effort to answer the Task Force's domestic violence questions.

Also noted were some of the best practices such as the Power and Network programs for women probationers who have drug and alcohol problems, telecommuting programs, and a diverse workforce, especially the high number of women probation officers, a nontraditional employment occupation for women.

Significant concerns about the Department's CEDAW implementation remain. Some of the Department's most innovative and successful programs, such as the Network and Power programs for women probationers are reliant on grant funds. Language access is still an issue as language capacity, even on phone messages, is primarily limited to English and Spanish. Gender is not considered during preparation of the department's budget, and it appears that women are over represented in lower paid administrative positions.

Specific Task Force concerns about the Adult Probation Department's policies and practices regarding domestic violence cases included:

1. Overload in assignment of cases to Probation Officers (PO), the ideal caseload is 50. Currently DV Unit POs are carrying 94 cases each.
2. Shortage of Staff for specialized units relative to the number of cases in that area of specialization and lack of attention to an assessment of the seriousness of the past and potential re-offense.
3. Concerns about DV Probation Officers training. Much of the training appears to be voluntary and based on availability of funds.
4. The tracking of DV cases and re-offenses.
5. The inability to know if a probationer re-offends, and once they are aware of a new offense, protocols for responding.
6. Contact with victims/survivors. In particular, what kind of communication do they have, how are victim/survivors referred to intervention and other services, how does the PO preserve the safety of the victim/survivors?

The following two reports were completed in 1999.

THE SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

The Juvenile Probation Department of the City and County of San Francisco (JPD) "provides for the welfare of youthful offenders and children at-risk, and enhances public safety under the direction of Juvenile Court and state law" and "locates and develops or administers programs for the assessment, education, treatment, appropriate rehabilitation, and effective supervision of youth under its jurisdiction."³ Its mission is, "[t]o be a primary and effective resource for positive change in the lives of youth and their families, accountability to victims and the protection of the public."⁴

The Department has five divisions: Administration and Finance, Probation Services, Juvenile Hall, Log Cabin Ranch, and Community Programs. Each division's operations are detailed and analyzed herein. In Fiscal Year 1998-1999, the Department's total budget was \$25,987,747, and it employed 321 staff. A significant portion of the Department's budget goes to both Juvenile Hall (a short-term youth detention facility) and Probation Services.

CEDAW TASK FORCE RECOMMENDATIONS:

CEDAW Task Force presents the following recommendations for action, some recommendations build on those proposed by departments themselves.

It is important to remember that the juvenile justice system's impact on girls does not start with the Juvenile Probation Department. The actions of police, prosecutors, defense attorneys and judges, and even the laws decide who comes under the purview of the Juvenile Probation department. These recommendations are solely limited to the Juvenile Probation Department, but much more needs to be done by the entire juvenile justice system to ensure justice for girls and young women.

Conduct Comprehensive Human Rights Training for All Staff

- Train employees on human rights issues with a gender perspective. Incorporate the definition of discrimination contained in the CEDAW Ordinance into the Department's training. This will enable employees to recognize gender differences among everyone involved in the juvenile justice system, from coworkers to clients.

Collect and Analyze Disaggregated Data

- Expand data collection on workforce composition, employment practices, and client demographics. Data should be disaggregated by sex, race, ethnicity, verbal language fluency, sexual orientation, age, disability, parental status, and other criteria when possible. Collection of certain data (e.g., sexual orientation, parental status, age) must be obtained legally and voluntarily. The confidentiality of respondents must be maintained.
- Collect current San Francisco Labor Market availability data for all occupational categories

represented in the Department's current or anticipated workforce.

Expand Recruitment Programs

- Implement the proposed recruitment program through an action plan including staffing and training.
- Expand focus groups to all divisions to gather the concerns of employees, respecting employee confidentiality. Facilitate discussions of recruitment practices, professional development, and the grievance process.

Create a More Family-Friendly Work Environment

- Expand flexible work options in light of expressed employee concerns. Include discussions with families of youth served, unions, and staff.
- Expand focus groups to all divisions to gather concerns of employees, respecting employee confidentiality. Facilitate discussions of family leave, childcare and elder care needs, work options, and health and safety needs.

Study the Viability of Establishing an On-Site Girls' Unit

- Examine the viability of establishing an on-site girls' unit staffed by a small group of intake officers, probation officers, counselors and other staff who would be trained to work exclusively with young women. In particular, identify the benefits of this gender specific model to girls. This examination should solicit community and client input.

Provide Gender Specific Mental Health Assessment and Services

- Expand mental health services for detained girls by including counseling with a focus on improving life skills, additional case management, expanded referrals to appropriate agencies, and providing female mentors as role models. Provide specialized gender training for all peer mentors, counselors, and other service providers - male or female - so that they may provide effective gender specific services.
- Train Probation Officers and Counselors on gender specific programming so that they may address the different needs of girls and boys in the initial assessment process and when recommending services.

Provide Additional Gender Specific Services for Young Women and Girls

- Expand and/or redesign gender specific services for mental health, sexual assault, domestic violence, parenting and pregnancy prevention, delinquency prevention for at-risk girls, substance abuse prevention, education, and transition planning. Involve young women in the design of these services.
- Provide gender specific counseling for young women and girls about aftercare and transitional services including housing, counseling, life skills and self esteem development, health care (including reproductive health), education, job skills training, and job placement assistance. At minimum, young women need viable, safe options for housing and paid employment.

Conduct Annual Gender Analysis of Budget

- Conduct an annual gender analysis of the Department's budget. Assess the Department's

annual budget for general services, gender specific services for girls, and gender specific services for boys. Develop an action plan that includes the department's detailed budget for that fiscal year, and its budgetary commitment to improving equity for girls for that fiscal year.

THE SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

The San Francisco Department of Public Works (DPW) is the department responsible for maintaining city streets and public areas, restoring public monuments, and providing architectural and engineering services to other city departments. More specifically, the Department is responsible for the following: street cleaning, repairs and maintenance; restoration of public monuments (e.g., City Hall, Opera House); building and maintaining plazas, stairways, and other public areas; coordinating street excavation work with other entities; caring for the city's urban forest; enforcing litter laws; removing graffiti and illegal signs; regulating street and sidewalk use; conducting utility undergrounding; and providing architectural and engineering services to other city departments. The Department has a budget of approximately \$115 million and a staff of 1549, making it one of the larger city departments in San Francisco.

The Department is organized into three primary Divisions: Finance and Administration, Engineering, and Operations. The three Divisions are run separately, but senior management in the Divisions work closely together, especially in the collaboration of services and when handling customer service issues. The Engineering and Operations Divisions are each organized into Bureaus.

CEDAW TASK FORCE RECOMMENDATIONS:

CEDAW Task Force presents the following recommendations for action, some recommendations build on those proposed by departments themselves.

Conduct Human Rights Training With A Gender Perspective

- Train employees on human rights issues with a gender perspective. Incorporate the definition of discrimination contained in the CEDAW Ordinance into the department's training. This will enable employees to recognize gender differences among all, from coworkers to clients.

Collect and Analyze Disaggregated Data

- Expand data collection on workforce composition, employment practices, and client demographics. These data should be disaggregated by sex, race, ethnicity, verbal language fluency, sexual orientation, age, disability, parental status, and other criteria when possible. Collection of certain data (e.g., sexual orientation, parental status, age, etc.) must be obtained legally and voluntarily, and the confidentiality of respondents must be maintained. Collect data about the sex, ethnicity, income level, etc. of who uses services. Workforce composition data should include data on family leave, childcare, flexible work options, and employee health and

safety.

- Collect current San Francisco Bay Area Labor Market availability data for all occupational categories represented in the Department's current or anticipated workforce.
- Maintain gender and other disaggregated data to track participants' careers with the department to ensure that internship and apprenticeship programs provide equal opportunities for women and candidates from other historically underrepresented groups.

Enhance Recruitment and Professional Development

- Conduct focus groups across all bureaus to gather need and concerns of employees on employment practices such as recruitment practices, professional development opportunities, and the evaluation and promotion processes.
- Implement the Department's five-year recruitment plan. Plan to hire and train women for professional and management positions. Form a Process Improvement Team among existing employees, and visit high schools, colleges, and job fairs.
- Expand training and recruitment for underrepresented groups, with particular attention to recruiting tradeswomen, in concert with unions and community groups.
- Expand the current internship and apprenticeship programs, such as "Project Pull," with human and financial resources.
- Expand employees' professional development by creating more formalized training and mentoring opportunities, such as a training program on leadership skills for women managers and their mentees, as well as other professional and technical training programs for women and men in all occupational categories, particularly those in the operations Division.
- Implement the performance review process on career advancement, including access to work assignments that enhance the potential for promotion for all persons.
- Expand the "Women Engineers' Caucus" by publicizing it to all employees and by creating similar programs throughout the Department.

Create A More Family-friendly Work Environment

- Conduct focus groups across all bureaus to gather need and concerns of employees on employment practices such as: family leave, family care needs, flexible work options, and health and safety needs. Respond to the above needs with expanded family friendly practices, such as creating and promoting flexible work options, initiating a childcare and elder care information and referral program, and improving safety.

Ensure Equal Opportunity For All

- Continue mandatory gender and diversity training, including sexual harassment training, for all employees.

Integrate Gender Into the Customer Service Approach

- Integrate gender into the Department's customer service approach.
- Conduct focus groups with women and men to assess service needs and impact.

Train Staff In Each Bureau on How to Integrate Gender Into Daily Operations

- Train staff to institutionalize gender analysis into the project review process, integrating the needs of and impact upon both men and women as they relate to the specific services provided by each bureau.

Conduct Annual Gender Analysis of Budget

- Conduct an annual gender analysis of the Department's budget. Assess the Department's annual budget for general services, gender specific services for women, and gender specific services for men. Develop an action plan that includes the department's detailed budget for that fiscal year, and its budgetary commitment to improving equity for women for that fiscal year.

GENDER ANALYSIS LIST OF PARTICIPANTS

1999-2001

*(This is a partial list, many individuals have assisted in implementing CEDAW. We apologize if we have inadvertently left anyone out. * Department Liaison ** Task Force *** Staff)*

Assmann, David	Department on the Environment*
Ackerman, Amy	Office of the City Attorney***
Bedford, Roger	Department of Public Works
Bushe, Carmen	Adult Probation Department
Cabezas, Raymond	Rent Stabilization Board
Calvillo, Angela	Board of Supervisors**
Carlson, Robert J.	Department of Public Works
Cervantes, Armando	Adult Probation Department
Chang, Patti	Women's Foundation**
Chlala, Youmna	Women's Institute for Leadership (WILD)**
Dharmaraj, Krishanti	Women's Institute for Leadership (WILD)**
Ellender, E. Roy	Adult Probation Department
Godfrey, Anne	Department of Public Works
Gonchar, Nancy	Arts Commission*
Grubb, Joe	Rent Stabilization Board
Guillen, Maria Elena	Department on Aging/Local 790**
Kipness, Marina	Department on the Environment
Hill, Candace	Adult Probation Department
Herrera, Carmen	Human Rights Commission**
Horan, James P.	Department of Public Works
How, Kathy	Department of Public Works*
Kelly, Harlan Jr.	Department of Public Works
Lee, Ed	Department of Public Works
Lehman, Ann	Department on the Status of Women***
Lopez, Myrna	Mayor's Budget Office**
Malkani, Latika	Department on the Status of Women***
Marsh, Cheryl	Adult Probation Department
Melara, Sonia	Arriba Juntos**
Murase, Emily Moto	Commission on the Status of Women**
Navarrette, Rosario	Department on the Status of Women
Newirth, Rich	Arts Commission
Primeau, Mark A.	Department of Public Works
Richardson, Sandra Brown	Juvenile Probation Department
Rolfe, Rebecca	Department on the Status of Women***
Samson, Lee	Adult Probation Department
Summers, Kathy	Breast Cancer Support Group**
Tamura, Patti	Local 790**
Theisen, Ken	Bay Area Legal**
Thomson, Cosette	Amnesty International**

Tucker, Gwendolyn B.
Vietor, Francesca
Varah, Adine
Waller, Pansy
William, Jesse
Williams, Dee
Wolf, Delene
Yee, Dorothy

Juvenile Probation Department*
Department on the Environment
Office of the City Attorney
Human Rights Commission**
Juvenile Probation Department
Adult Probation Department*
Rent Stabilization Board*
Department of Human Resources**

¹ San Francisco Administrative Code, Chapter 12 K, also known as the CEDAW Ordinance or Ordinance. The full text of the Ordinance is available at the Commission's website, <http://www.ci.sf.ca.us/cosw/cedaw.htm>

² Limits capital improvement passthroughs to either (a) seismic work or (b) non-seismic work necessary to obtain a fair return; changes amortization period to 20 years, limits annual increase to 5% of tenant's rent, and requires one who did seismic work to file petition. Requires bond passthroughs to tenants to be disclosed and approved by the voters and limits rent increases for increased operating and maintenance expenses to 7%. Prop. H was stayed by the Court in *Quigg v CCSF, et al.*, on 12/20/00.

³ Written Response of the Juvenile Probation Department to the Gender Analysis (JPD Response), page 1.

⁴ Juvenile Probation Department Mission Statement, dated 8/19/98.

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

ITEM 8.C.ii

06-26-03

COMMISSIONERS

June 26, 2003

Malcolm A. Heinicke
Chair

Dear Senior Services Agency: [will be addressed to specific agency]

Alicia Becerril
Vice-Chair

The Human Rights Commission and the Aging and Adult Services Commission conducted a joint public hearing in October of 2002 on the topic "Aging in the Lesbian Gay Bisexual Transgender (LGBT) Communities." This historic public hearing consisted of testimony regarding economic and legal issues, communities within the community, housing, and health and social issues affecting older LGBT communities. Community members, government and organizational representatives, and experts in the field gave us information about the challenges facing older members of the LGBT communities.

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

The Commissions approved a joint report on the hearing early this year. The report consists of summaries of the testimony, essays by writers with expertise in the field of aging, and the Commissions' findings and recommendations. A copy of the report is attached.

We call your attention to the Recommendations chapter of the report, and in particular the following recommendations: 2, 6-10, 12, 14-17, 28, 30-33, 36-40, 53, 56, and 60. These recommendations address the fact that many senior members of the LGBT communities are unaware of, or do not feel comfortable participating in, programs in San Francisco that serve seniors. The recommendations suggest methods that organizations such as yours should be taking to assure that outreach is being done to LGBT seniors, and that LGBT seniors feel welcome and included when they choose to participate in your programs.

If you already are successful in your outreach and inclusion efforts, we salute you. We are interested in hearing about progress you have made in this area and your thoughts on the subject. We would appreciate your response in writing.

Sincerely,

DRAFT

Malcolm Heinicke

Chair of the Human Rights Commission



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

ITEM 4.B.

09-11-03

DOCUMENTS DEPT.

SEP - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

**Regular Meeting
Thursday, June 26, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

1. CALL TO ORDER AND ROLL CALL

Commissioner Chair Heinicke called the meeting to order at 4:35 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*
Alicia Becerril, *Vice Chair* (left 6:24 p.m.)
Khaldoun Baghdadi (left 6:16 p.m.)
Shirley Dimapilis
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks (left 5:30 p.m.)
Charles Ward

Commissioners Excused

Haig Baghdassarian
Daniel Grossman

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin, Emil DeGuzman, James Fields, Cynthia Goldstein, Carmen Herrera, Diana Rathbone, Mary Gin Starkweather and Roel Villacarlos

Guests Present

Jonnie Robinson (Mayor's Office) and Nan Su (Falun Gong)

A quorum was present.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Nan Su updated the Commission about Falun Gong and Charles Lee, who Mr. Su feels in wrongly detained in a Chinese prison. Mr. Su presented the commission with a draft letter which he hoped the HRC would consider adopting (see attached).

4. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

There were no individual commissioner reports.

b. Possible approval of commendation letter to former HRC Commissioner Wilfred Hsu

Commissioner Lee introduced the draft letter to former HRC Commissioner Wilfred Hsu. The letter was moved (Heinicke), seconded (Sparks), and CARRIED by the following vote:

Ayes	9	Baghdadi, Becerril, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Sparks, Ward
------	---	--

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

Noes 0
Absent 2 Baghdassarian, Grossman

c. Commissioner discussion of proposed HRC Committee's 6 month plan

Chair Heinicke introduced the HRC Committee's 6-month plan and provided the Commissioners the opportunity to provide and comments or additions to this plan. Commissioner Becerril asked if a priority was set as to when each of the items will be considered and Chair Heinicke stated that he would leave the scheduling to the committee chairs and members.

Commissioner Sparks noted that some of the issues in the proposed 6-month plan were being worked on by two or more committees and suggested that on those issues, Committees should work jointly.

Chair Heinicke noted that the San Francisco Civil Grand Jury recently released a report on the Commission activities, particularly in regard to the 12.D. ordinance. At a press conference earlier today, the HRC responded to this report and thanked Commissioners Ward and Becerril for their speeches. Chair Heinicke stated that the HRC will be responding to this report in conjunction with the Mayor's Office. Chair Heinicke did not think that the HRC should take this report as a personal attack, but rather a series of suggestions that should be considered.

Chair Heinicke also noted that the Supreme Court issued a landmark finding today with consideration to an individual, adult right by overturning Texas' anti-sodomy law. He added that today is a big victory for gay rights and an important victory for civil rights.

Chair Heinicke asked for any public comment on this item. There was none.

5. REPORT OF THE DIRECTOR

a. Update on Environmental Racism workshops

Director Harmon stated that she attended a portion of the environmental racism workshop yesterday afternoon and reported that the turnout was good and there was lively discussion.

Commissioner Ward stated that he was proud of the HRC staffers who put these workshops together. The workshops are meeting the community's and the Commissioner's expectations, and he added that he hopes that the HRC can continue to provide a forum for further discussion and work on these issues and continue to keep these groups and the community engaged.

Diana Rathbone (HRC Staff), stated that recommendations are created from every workshop, derived from community discussion. At the previous energy workshop, the recommendations included the allocation 16.5 millions dollars of resources for San Francisco's Peak Energy Efficient Pilot Program, to be used toward energy conservation programs. The initial decision was to direct these monies toward

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

businesses, who are the prime users of energy, but members of the Bay View/Hunter's Point (BVHP) community felt that the same goals could be equally met through the reduction in usage in multi-family, residential dwellings. As a direct result of the recommendations from the Energy Workshop, the Department of Environment held several meetings prior to submitting their project implementation plan to the state, and the plan now contains outreach to single family homes in the BVHP. However this plan does not include public housing or Section 8 housing. The HRC hopes that it can play a continuing, mediative role in this issue.

The most recent workshop concerning health, had a smaller, more intimate group of attendees. The recommendations included completing work on the HRC's "Unfinished Agenda," multi-lingual signage at Yosemite Creek and the dangers of eating fish that is caught there, request that the California Energy Commission to hold a meeting in BVHP, and to include the BVHP community of the San Francisco Visitor's Bureau's Official Map.

Chair Heinicke asked for any public comment on this item. There was none.

6. PRESENTATION FROM GLBT HISTORICAL SOCIETY ON SIGNIFICANT EVENTS OF GAY PRIDE MONTH

Cynthia Goldstein (HRC Staff), introduced Martin Meeker from the GLBTH Historical Society. Mr. Meeker stated that the GLBT Historical Society was founded in 1985 and consists on a museum and an extensive collection of GLBT history. Mr. Meeker stated that the Gay Pride month began in memory of a tragic event called "Stonewall," which occurred June 27, 1969 outside a gay bar called Stonewall on Christopher Street in New York's Greenwich Village which had been raided by the New York Police Department, which sparked a riot between the queer public and the NYPD. This riot went on for a few days, and a few months later, the gay community began organizing a march to take place on the first anniversary of Stonewall. This tradition has spread across the country and continued over the years. Mr. Meeker also discussed other major events that contributed to the Gay Rights movement (see attached).

Commissioner Knutzen thanked Mr. Meeker for providing the history of Stonewall and the other events that have contributed to Pride Month and how important these events are as they remove a sense of isolation and celebration of LGBT people and how important they are to civil rights as a whole.

Chair Heinicke asked for any public comment on this item. There was none.

7. HRC DIVISION REPORT

Employment, Housing and Public Accommodations (EHPA) Division

a. Discrimination Against Women (CEDAW) Action Plan

Carmen Herrera (HRC Staff), serves on the CEDAW Task Force as a representative of the HRC. CEDAW is an international human rights treaty adopted by the United Nations General Assembly in 1979 which provides a universal definition of

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

discrimination against women. In April 1998, the City and County of San Francisco was one of the first cities in the nation to pass an ordinance (Chapter 12.K.) to locally implement the same principles of CEDAW.

Commissioner Emily Murase, Chair of CEDAW Task Force provided a presentation of CEDAW's action plan and gender analysis. CEDAW conducted a gender analysis of six City Departments including data such as how many women worked in the department, what was their promotion rate, how many were in senior positions, did each department provide equal services to women as they did to men, et cetera. The results of this gender analysis were very informative and changed the way many of the departments looked at gender differences.

CEDAW also conducted a survey of Citywide policies with regard to female employees, for example, what the departments are doing in terms of accommodating people personal as well as professional responsibilities. The Task Force found that many of the departments offer flex-time, family leave and other opportunities for women, but many City employees did not know that these programs existed and therefore, the programs were underutilized. The result was to centralize information about these family friendly policies and train senior management about the benefits.

The Task Force is working to institutionalize CEDAW into the budget process. For example, a survey was conducted to find out the effects of the recent budget cuts and subsequent layoffs: was there a differential impact on men and women. Of the departments who responded to the survey, the result found that more women than men were being laid off. The Department of Human Services reported that their financial cuts would impact 17,000 clients, 66% of women, by reducing child care, in home care, job training and immigrant services and incentives.

Finally, Ms. Murase stated that the Task Force would like to see CEDAW incorporated into City contracting. The desired results would be to see the organizations that contract with the City demonstrate that they are mindful of the status of women, with the balance of personal and professional life, et cetera. CEDAW also hopes to work with the HRC to provide human rights training.

Chair Heinicke asked for any public comment on this item. There was none.

Chair Heinicke thanked Ms. Murase for the informative presentation.

8. COMMITTEE REPORTS

a. Employment Committee

i. Report of June 5, 2003 Committee Meeting

Mary Gin Starkweather (HRC Staff) stated that at the last Committee meeting Don Hesse from the Mayor's Office of Business and Economic Development gave a presentation on the First Source Hiring Program and presented statistics on the progress on the Mission Bay and the 3rd Street Light Rail projects. Mr. Hesse also

spoke about the negotiations between the City and the Home Depot, which will be opening at the old Goodman's lumber site on Bayshore Blvd. The committee also received a presentation from Cathy Knutzen who is a vocational assessor regarding vocational training programs provided by the employment services division of the Department of Human Services. The Committee also received a presentation on the history of the Equal Benefits program and its impact from HRC Staffer Cynthia Goldstein.

b. Issues Committee

i. Report of June 11, 2003 Committee Meeting

Commissioner Rollins stated that a member of the ACLU briefed the Committee on issues regarding racial profiling and the Police Commission. As a result of an ACLU study, the Police Department adopted a new Departmental General Order, which established that race should not be a factor when determining who is stopped or searched, etcetera. The ACLU is concerned about police accountability in conjunction with the Office of Citizen Complaints. As a result, the ACLU stated that the structure of the Police Commission needs to be examined.

b. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

i. Report of June 17, 2003 Committee Meeting

Commissioner Knutzen stated that Acting Chief Fagan attended the Committee meeting to discuss police-community relations in regard to spontaneous demonstrations and the safety of the demonstrators and the public. The discussion included needs of the public and the police department and how to bridge those need concurrently and non-violently. On the same note, a possible demonstration was slated for today depending on the result of the Supreme Court's sodomy decision and the HRC played an integral role between the organizers of the possible demonstration and the Police Department.

ii.. Possible approval of model letter to send to various agencies implementing recommendations in the "Aging in the LGBT Communities" Report

Commissioner Knutzen presented the Commission with the model letter to send to various agencies implementing recommendations in the "Aging in the LGBT Communities" Report

Commissioner Heinicke asked that a contact person be provided in the closing line of the letter.

Commissioner Rollins suggested that there also be a requested date for response.

With the above inclusions, the letter to send to various agencies implementing recommendations in the "Aging in the LGBT Communities" Report was moved (Rollins), seconded (Dimapilis), and CARRIED by the following vote:

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

Ayes	8	Baghdadi, Becerril, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Ward
Noes	0	
Absent	3	Baghdassarian, Grossman, Sparks

Chair Heinicke asked for any public comment on this item. There was none.

9. EXECUTIVE SESSION

- a. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney. The closed session is permitted by California Government Code Section 54956.9 (b)(1), 54956.9 (b)(3)(A) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (2).

IN RE: Schram Construction, Inc. v. City and County of San Francisco
San Francisco Superior Court
Case # 421249

All members of the public were invited to leave the meeting room and the Commission moved into closed session at 5:56 p.m.

10. RECONVENE IN OPEN SESSION

- a. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

The Commission reconvened in open session at 6:16 p.m. A motion to NOT disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a). was moved (Dimapilis), seconded (Lee), and CARRIED by the following vote:

Ayes	8	Baghdadi, Becerril, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Ward
Noes	0	
Absent	3	Baghdassarian, Grossman, Sparks

Chair Heinicke asked if the Commission could receive a brief presentation on the significant events on June at the next commission meeting.

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

Commissioner Lee stated that he had some issues regarding prevailing wage and 12.B in City contracting and purported that not all city contractors have to comply. He stated that he would like to meet with the Director and the Commissioners to further discuss these issues. Commissioner Lee distributed a packet of information to the Commissioners

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JUNE 26, 2003

(attachment is voluminous and can be requested from the Commission Secretary). Chair Heinicke stated that as a matter of procedure, this item is not agendized or open for discussion, but allowed Commissioner Lee to briefly sum up his point.

Commissioner Lee stated that he is very concerned about diversity in the workplace with contractors. Commissioner Lee stated that there have been contractors that have been working with the City for five to ten years and have never attempted to implement any diversity and he would like to address this issue. He added that a resolution is provided in the packet, which he hopes will be agendized and considered at a future meeting.

Chair Heinicke stated that Commissioner Ward is working on this issue in the M/W/LBE Committee and invited Commissioner Lee to work with him, if he so desires.

12. ADJOURNMENT

There being no further business, the meeting was adjourned in the memory of Ms. Enola Jackson at 6:42 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible.
You may request paper copies from the Commission Secretary ******

**Invitation to speak at a public rally:
Rescue a Fellow American detained in China**

Dear Commissioners:

I would like to invite you to speak at a public rally on July 12th at the United Nations Plaza in San Francisco, sponsored by *Friends of Charles Lee* and *Friends of Falun Gong*. We will start at 12 o'clock noon in our call for the release of our friend, from a jail in Nanjing, China. The rally will be immediately followed by a one and a half-mile walk.

Dr. Lee, from Menlo Park, CA, was arrested on January 22, 2003 as soon as he arrived in China. He was rushed through a sham trial and sentenced to a 3-year jail term in March this year in a Chinese court for his "intention" to use the state-controlled television to expose the severe human rights violations suffered by the Falun Gong practitioners in China.

In fact, some of the facts Charles was going to reveal are the evidence supporting the current genocide lawsuit against the former Chinese president Jiang Zemin, who is fully responsible for the persecution of Falun Gong.

Charles is a courageous man. He wanted to inform Chinese people about the persecution of Falun Gong practitioners. Similarly, if more people know the truth about SARS in China, maybe the thousands of people might not have contracted this mysterious disease. If more Chinese know the truth about the persecution of Falun Gong, perhaps the regime cannot continue the brutal persecution. More human lives can be saved.

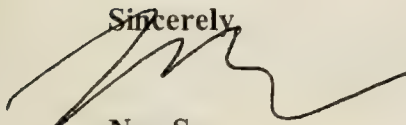
Charles is in a dangerous situation right now. We just learned that he has been mentally and physically abused in the detention, all of these contradict the Chinese government's previous claims that he had received humanitarian treatment.

I have attached some additional information on Charles, a news report, as well as a dear colleague letter by Congressman Tom Lantos signed by 37 other congress members addressing the genocide lawsuit against Jiang Zemin.

I respectfully ask you to help our fellow American in need, perhaps by coming to speak at our rally, or write a letter of support. Lending your support will not only help Dr. Lee, but will also defend the fundamental principles upon which our great nation was founded: freedom and justice for all.

Please contact me at 408.8387530

Sincerely,



Nan Su



Rescue Charles

6/26/2003, Thursday

Home Contact ChineseGB ChineseBig5

Background Information

Media Reports

International Response

Voice of Concerns

U.S. citizen Charles Li has been in illegal detention in China for

155 Days



Charles Li

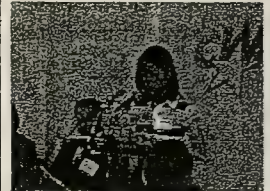
News Reports

- Friends of Falun Gong Sent Letter to President Bush
- [Photo] Charles on Hunger Strike
- Rescuing Dr. Charles Li is a Matter of Morality and Justice
- Chinese "Show Trial" Slaps American with 3-Year Sentence
- Can Charles Receive a Fair Trial?(Part 4)State Department Daily Press Briefing

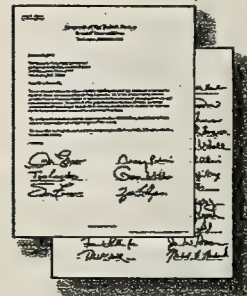
Links

- Falun Dafa Information Center
- Friends of Falun Gong
- Falun Gong Justice
- Amnesty International
- Human Rights Watch
- World Organization to Investigate the Persecution of Falun Gong
- Office of the High Commissioner for Human Rights

Photo News



[Photo] Charles on Hunger Strike



U. S. Legislators Urge for the Release of American Falun Gong Practitioner



[Photo] California Woman: A Shattered Valentine's Day - Works Around the Clock to Rescue Fiance from China

An Interview of Dr. Li's fiance, Ms. Yeong-ching Foo:

I first met Charles more than a year ago at a social gathering at Stanford University. He is a very kind and sincere person who always helps me when I have difficulties. He always looks into himself and tries to become a better person following the principles of truthfulness, compassion and forbearance. ([Read Full Story](#))

Listen to a MP3 Song: [Free Charles Li](#)

How Can I Help?

- International Signature Campaigns (select a input language):
English 简体 繁體
- Email Petitions ([Online Form](#))
- Co-signing of Concerned Scholars/Professionals for Rescuing Dr. Charles Li ([Online Co-sign](#))
- Send letter/fax to U.S. government officials and NGOs ([Letter to Gov.](#), [Gov Contacts](#))
- Collect Signatures Offline ([Form in Word](#))
- Forward this web site to your friends ([Online Form](#))
- Distribute Flyers ([Flyer1](#))
- Donate to efforts to publicize his case and advocate for his release (please [click here](#) then select the button of Charles Li Rescue Fund)

Dr. Charles Li, a Menlo Park resident and US citizen, detained in a Chinese jail, was beaten, tortured by long-time handcuffing, forced to watch deceiving and hate-instigating video program fabricated against Falun Gong, and force-fed after he went on hunger strike to protest the human rights abuse.

The following is translated from a couple of pages of the 90 some page document written by Charles and passed out to the US Consulate in Shanghai (this page along with other few pages were only released by Chinese government after Charles' hunger strike for a few days). We received the fax copy from the Consulate in Shanghai on June 3.

The accusation forced on me is to persecute me illegally. The biggest aspect of the persecution to me is to deprive me of freedom for extended period of time, which has caused a lot of damages in my life as well as mental torture. Other persecutions are listed as follows:

1. Serious violation of my right of freedom of beliefs

- (1) At the earlier stage of my arrest, they have used various means attempt to force me give up Falun Gong cultivation. During Feb. 10 to Feb. 12, I was forced to watch the propaganda video slandering Falun Gong and its founder.
- (2) They used force to confiscate my "Zhuan Falun" book. I have asked them many times to return the book to me but in vain. The book sent from the American Consulate is also confiscated.

2. Impairing my health

They inhibited and restricted me from practicing Falun Gong, even though I have kept telling them that it is extremely important for me to practice in order to maintain my health.

3. Physical punishment/abuses, beatings and torture

- (1) On Jan. 22, 2003, I was beaten up at the Guangzhou Baiyun Airport
- (2) After my arrest on Jan. 22, under the condition that I was on hunger strike, they didn't allow me to sleep for 3 days and nights. A group of them took turns attacking me (in interrogation).
- (3) Since 9:15pm on Jan. 22, 2003, under the condition that I was on hunger strike, I was tortured with handcuffs for over 72 hours. Most of times, they handcuffed my hands to the back, prevent me from moving. Especially from 8pm to 12am on Jan. 23, 2003 when they moved me from Shanghai Pudong to Yangzhou City, they handcuffed me to the back and intentionally tightened the handcuffs into my flesh. It was extremely painful. On Jan. 24, they grabbed my handcuffs and pulled them up from my back, which caused devastating pain. The scars are still visible on my wrist.
- (4) At the Yangzhou Detention Center, from 8am on March 27 to 2:30pm on April 2, they handcuffed me for consecutively 130 hours. Those days were extremely hot, my winter clothes were smelly and I wasn't able to change them. Still I must hurry up to write 3 appealing letters with 69 pages.
- (5) At the Nanjing jail, I was beaten up in the afternoon on May 12, 2003, and they shaved my hair with force. I was handcuffed on a iron bed for 4 hours. On May 13, 2003, they used force to put on jail uniform on me, I was handcuffed in the back for 5 hours



June 15, 2003

Amnesty International

To the general public, government and non-government officials, and all Americans:

Amnesty International is very concerned about the wellbeing of Dr. Charles Lee. Dr. Lee, an American citizen from Menlo Park, California, was arrested January 22nd in Guangzhou, China. He has been sentenced to three years in prison in Nanjing under the charge of "endangering public safety by intending to sabotage radio and/or TV equipment". It is understood that Dr. Lee, during a previous visit to Yangzhou City, China in October of 2002, intended to expose severe human rights abuses, including torture, committed by Chinese authorities during the persecution of Falun Gong by inserting video footage into a local cable television signal.

Back in March, Amnesty International issued an action file for Dr. Lee expressing many concerns about his case, and requesting that he be granted a fair trial, regular contact with American Consular officials, and humane treatment while in custody. Recent information accessed from China indicates that these basic rights have not been granted, that Dr. Lee's life is in danger, and that he is in urgent need of help.

After his arrest in January, Dr. Lee was held for nearly three months, then rushed through a trial resulting in a three-year prison sentence for "preparing to sabotage TV". His first and only appeal of this sentence has since been denied. Since May he has remained incarcerated in the Nanjing Prison where has not been allowed to meet with American Consulate officials. Authorities in China have repeatedly claimed that Lee receives good and humanitarian treatment. However, a recent 109-page document written by Dr. Lee reveals that this is far from the truth. The document itself was released by prison authorities only after Dr. Lee went on a brief hunger strike to protest the jail officials' original refusal to allow the documents to leave the prison. Thirteen pages of the document describe physical and mental persecution authorities in China have imposed upon him during the course of his detention. For example, the written documents indicate that when Dr. Lee was first detained in January, he went on a three-day hunger strike to protest. He was regularly beaten and interrogated during those three days and nights, and was not allowed a moment of sleep. After that, he was forced to watch videos that defame Falun Dafa. Sixty-nine pages of the manuscript were written while his hands were tightly cuffed for three days and nights. He has refused to wear a prisoner's clothes in detention, and he still wears the same dirty and smelly winter clothes he was wearing when he was arrested.

We from Amnesty International are now ever more concerned about Dr. Lee's case and his wellbeing. The legal process Dr. Lee went through does not meet international standards, and has not been granted the opportunity for Lee to appeal. The torture and mistreatment that Chinese authorities have subjected Dr. Lee to violate his basic human rights. They must stop and be further investigated to bring the perpetrators of these abuses to justice. Amnesty International will continue to monitor Dr. Lee's case closely and demand that while in custody Dr. Lee has regular access to US Consular officials. We must receive assurance that he shall no longer be tortured, but be treated humanely in accordance international laws and treaties. We call upon all those who can help in this matter to help safeguard the wellbeing of Dr. Lee.

Sincerely,

Alejandro Centurión
China Coordinator
Group 19, Palo Alto

June 26, 2003

**Friends of Dr. Charles Li
3425 Cardoza Ct.
San Jose, CA 95132**

Dear Friends of Dr. Charles Li:

We are writing to support your effort to rescue Dr. Charles Li, an American who is imprisoned in China. US consulate officials are not permitted to visit him and needless to say we are very concerned about the welfare of our fellow American.

As you know, California is the state with the most diversified cultures in the US. Out of today's 2.4 million Chinese American population in the US, over 40% of them are living in the State of California, and about 20% living in San Francisco Bay Area. Californians pay a great deal of respects to the contributions that Chinese Americans have brought to the American cultural melting pot, and for the very same reason people who practicing Falun Gong are well respected in this state. Tens of proclamations and resolutions have been issued by the local cities and counties to recognize the practice of Falun Gong. It is no mistake there are more Falun Gong practitioners living in California than any other states in the US. As a local human rights organization, we are very proud to see the basic rights of people from all backgrounds, including those who practice Falun Gong, are well protected here in our city.

As a Falun Gong practitioner from the Bay Area, Dr. Charles Li was sentenced to jails in China for three years because his "intend" to tap into Chinese state-run T.V. to broadcast programs exposing the persecution of Falun Gong in China. It is obvious what Dr. Charles Li try to deliver to the Chinese public by risking his own life is the information already available and reachable to the people all around the world except people in China. We have to respectfully point out that these are information which will help China to develop into its democratic and prosperous future, and become more welcome by the international community. Dr. Li's "intend" is the one good for the Chinese people, as well as good for the stability and advancement of China.

Total 84 of US congressional representatives have signed and sent a letter to China's embassy in DC earlier urging their help on this matter. As a human rights organization in the US, we fully support our congressional leaders' effort. May Dr. Charles Li be released and be able to return to our community soon.

Sincerely,

Cc: Senator Dianne Feinstein, Senator Barbara Boxer,
Congresswoman Nancy Pelosi, Congresswoman Anna Eshoo, Congressman Lantos

HENRY J. HYDE, ILLINOIS
CHAIRMAN

TOM LANTOS, CALIFORNIA
RANKING DEMOCRATIC MEMBER

JAMES A. LEACH, IOWA
DOUG BEREUTER, NEBRASKA
CHRISTOPHER H. SMITH, NEW JERSEY
DIAN BURTON, INDIANA
ELTON GALLEGLY, CALIFORNIA
LEANA ROS-LEHTINEN, FLORIDA
CASS BALLENGER, NORTH CAROLINA
DANA ROHRBACHER, CALIFORNIA
EDWARD R. ROYCE, CALIFORNIA
PETER T. KING, NEW YORK
STEVEN J. CHABOT, OHIO
AMO HOUGHTON, NEW YORK
JOHN M. MCHUGH, NEW YORK
THOMAS G. TANCREDO, COLORADO
RON PAUL, TEXAS
NICK SMITH, MICHIGAN
JOSEPH R. PITTS, PENNSYLVANIA
JEFF FLAKE, ARIZONA
JO ANN DAVIS, VIRGINIA
MARK GREEN, WISCONSIN
JERRY WELLER, ILLINOIS
MIKE PENCE, INDIANA
THADDEUS G. MCCOTTER, MICHIGAN
WILLIAM J. JANKLOW, SOUTH DAKOTA
KATHERINE HARRIS, FLORIDA

THOMAS E. MOONEY
STAFF DIRECTOR/GENERAL COUNSEL

JOHN WALKER ROBERTS
DEPUTY STAFF DIRECTOR

ONE HUNDRED EIGHTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021

June 26, 2003

HOWARD L. BERMAN, CALIFORNIA
GARY L. ACKERMAN, NEW YORK
ENI F.H. FALEOMAVAEGA, AMERICAN SAMOA
DONALD M. PAYNE, NEW JERSEY
ROBERT MENENDEZ, NEW JERSEY
SHERROD BROWN, OHIO
BRAD SHERMAN, CALIFORNIA
ROBERT WEXLER, FLORIDA
ELIOT L. ENGEL, NEW YORK
WILLIAM D. DELAHUNT, MASSACHUSETTS
GREGORY W. MEEKS, NEW YORK
BARBARA LEE, CALIFORNIA
JOSEPH CROWLEY, NEW YORK
JOSEPH M. HOEFFEL, PENNSYLVANIA
EARL BLUMENAUER, OREGON
SHELLEY BERKLEY, NEVADA
GRACE F. NAPOLITANO, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
DIANE E. WATSON, CALIFORNIA
ADAM SMITH, WASHINGTON
BETTY MCCOLLUM, MINNESOTA
CHRIS BELL, TEXAS

ROBERT R. KING
DEMOCRATIC STAFF DIRECTOR

PETER M. YEO
DEMOCRATIC DEPUTY STAFF DIRECTOR

DAVID S. ABRAMOWITZ
DEMOCRATIC CHIEF COUNSEL

Dear Colleague:

Since 1999, the Chinese Government has engaged in systematic persecution of peaceful Falun Gong practitioners. Chinese citizens who practice Falun Gong are locked away in prison or psychiatric institutions for years on end, and are often tortured in an effort to get them to renounce their beliefs.

On October 18, 2002, Falun Gong practitioners in the U.S. and abroad took decisive legal action to stop this systematic and brutal persecution. During former Chinese President Jiang Zemin's visit last year to the United States, Falun Gong practitioners and their families filed a lawsuit in the Northern District Court of Illinois against Jiang and the "6/10 Office" which has responsibility for persecuting Falun Gong. The lawsuit, filed under the Alien Tort Claims Act and the Torture Victim Protection Act, seeks compensatory and punitive damages for torture, genocide and other crimes against humanity committed by former President Jiang and the "6/10 Office" against Falun Gong practitioners.

Congress approved the Alien Tort Claims Act and the Torture Victim Protection Act, in part, to give individuals who have been brutalized by authoritarian regimes abroad redress in the U.S. court system. For Chinese and American citizens who have been illegally sent to prisons and psychiatric institutions against their will, suffered brutal physical and mental torture, and made to live in appalling conditions, there is no hope that the Chinese court system will bring them justice. ***The Falun Gong lawsuit filed in Illinois provides just that hope.***

Unfortunately, the U.S. Department of Justice has filed a motion to dismiss the Falun Gong lawsuit pending in Northern District Court of Illinois. The Administration asserts that former President Jiang was insufficiently served with a summons (even though the summons was given to those around him), that allowing Jiang to be sued in American courts risks retaliatory suits against U.S. officials (a point considered, and explicitly rejected, by Congress when it approved these laws), and that Jiang enjoys sovereign immunity as Chinese president (even though he is no longer President of China).

In short, instead of promoting the use of the two laws designed to give hope to victims of gross violations of human rights abroad, the Administration has aggressively sided with Beijing in part to avoid friction in our bilateral relationship.

To redress this imbalance, we will seek to file an Amicus Curae brief with the Northern District Court of Illinois in support of the arguments raised by Falun Gong practitioners and explicitly rejecting certain arguments raised by the Administration. The brief asserts that Congress has a legitimate interest in upholding the integrity of the two statutes and its interests in international human rights issues, that many of these issues should be resolved without intervention by the Justice Department, that Congress recognized and accepted the potential adverse consequences of lawsuits against high-level foreign officials when it passed these laws, and that Jiang no longer enjoys sovereign immunity as a former head of state.

As Falun Gong practitioners seek to use these two critical human rights statutes for the purposes for which they were intended, we in Congress have a responsibility to support their efforts. We hope that a strong expression of Congressional views will allow this critically-important lawsuit to move forward in U.S. courts and to be decided on its merits.

If you would like to sign the attached Amicus Curae brief, please contact Carol Doherty at x56735 by noon on Monday, June 9th.

Sincerely,

Tom Lantos
Ranking Democratic Member

A Few Milestones in San Francisco's GLBT History

1954 – The Mattachine Society, an early gay-rights organization, begins publishing the *Mattachine Review* in San Francisco.

1955 – The Daughters of Bilitis, the first lesbian-rights organization, is founded in San Francisco; they begin publishing a magazine, *The Ladder*, the following year.

1961 – José Sarria, a gay man who regularly performed in drag at the Black Cat Café, runs for the San Francisco Board of Supervisors and wins almost 6,000 votes.

1962 – The Tavern Guild of San Francisco is founded by gay bar owners and employees and lasts until 1995. The organization allowed gay bar owners and employees to offer unified resistance to authorities who wanted to close their establishments; the organization also served as a massive fundraising engine that supplied money to smaller activist organizations

1964 – The Council on Religion and the Homosexual (CRH) is formed by leaders of homophile organizations and liberal clergy with the goal of providing the nascent gay rights movement with moral authority.

1964 – The Society for Individual Rights (SIR) is founded. This San Francisco-based gay rights organization becomes the nation's largest gay organization of the 1960s; in 1966 it begins publishing *Vector*, which had the widest circulation of any gay magazine in the 1960s and early 1970s. In 1966 SIR opens the SIR Center the first gay community center in the US.

1964 – LIFE magazine calls San Francisco the nation's "gay capital," thus spreading word of the unique charms of the city.

1965 – New Year's Day Ball at California Hall. The SFPD harasses participants and arrests a few clergy for obstructing the police at this benefit drag ball. The clergy and, subsequently, the media were shocked and as a result the public learned how homosexuals regularly were treated unfairly by the police. The police were embarrassed and were forced to offer ameliorations including a liaison officer to the gay community and, informally, an agreement to stop harassing gay bars and balls.

1966 – Vanguard is founded in San Francisco as the nation's first queer youth organization and, very possibly, the first 'gay liberation' organization. The organization attracted runaways, street youth, 'hair fairies', hippies, and transgender youth and published one of the first counterculture magazines.

1966 – Compton's Cafeteria Riot happens at the corner of Turk and Taylor streets. Queer street youth, prostitutes, and transsexuals riot and rebel against the police harassment three years prior to Stonewall.

1972 – The San Francisco Human Rights Commission adds "sex" and "sexual orientation" to its nondiscrimination clause.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

SF
HSD
PI
7/10/03

Regular Meeting Agenda

Thursday, July 10, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

JUL - 3 2003

SAN FRANCISCO
PUBLIC LIBRARY

07-07-03 10:00 AM

HRC CALENDAR: July 2003

July 03

Employment Committee Meeting
CANCELED

July 09

Issues Committee Meeting
CANCELED

July 10

HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

July 15

LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 16

M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 16

**Environmental Racism: Naval Shipyard
and Industrial Dumping**
10:00am - 1:00pm
Southeast Community Facility
Commission
1800 Oakdale Avenue, SF

July 21

Youth & Education Committee Meeting
CANCELED

July 24

HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[☉Discussion Item *No Attachment*]

a1. Report from Commissioner Baghdadi on community meetings regarding Arab-American utilization as M/W/LBEs

[☉Discussion Item *No Attachment*]

b. Discussion and possible approval of HRC letter to the San Francisco Ethics Commission regarding the Alice B. Toklas Democratic Club letter dated February 26, 2003

[☑Action Item *Attachment to be provided at meeting*]

5. REPORT OF THE DIRECTOR

a. Possible adoption of Resolution honoring the life of the late Enola Maxwell

[☑Action Item *Attachment to be provided at meeting*]

b. Presentation of Chapter 12.D.A. Waiver Report for June (Fields)

[☉Discussion Item *No attachment*]

c. Budget Update

[☉Discussion Item *No attachment*]

6. HRC DIVISION REPORT

Minority/Women/Local Business Enterprise (Equal Opportunity) Division:

a. Presentation/Report on Harding Park Golf Course (Chin)

[☉Discussion Item *Attachment provided*]

7. COMMITTEE REPORTS

a. *Minority/Women/Local Business Enterprise Advisory Committee*

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of June 18, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

- 8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS
- 9. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.

Human Rights Commission

DOCUMENTS DEPT.

City and County of San Francisco

Willie L. Brown, Jr., Mayor

AUG 11 2003

ITEM 4.C.

08-14-03

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

**Regular Meeting
Thursday, July 10, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

1. CALL TO ORDER AND ROLL CALL

Commissioner Chair Heinicke called the meeting to order at 4:41 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*
Khalidoun Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles Ward

Commissioners Excused

Alicia Becerril, *Vice Chair*

HRC Staff Present

Virginia Harmon, Director; Sophia Simpliciano, Acting Commission Secretary; Larry Brinkin, Linda Chin, James Fields, Bayard Fong, Cynthia Goldstein, Veronica Ng and Roel Villacarlos

Guests Present

Deputy City Attorney Catherine Barnes, Mindy Lee (HRC Intern) and Jonnie Robinson (Mayor's Office)

A quorum was present.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

4. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

Commissioner Dimapilis attended ground-breaking ceremony of the International Hotel with the Chinatown Development Corporation, the Mayor and the Board of Supervisors. Commissioner Knutzen noted that the HRC had very active participation in the Gay Pride Parade and she thanked the Chair, the Director and Staff. Chair Heinicke stated that the event was very positive and also thanked the interns for their involvement and hard work.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

a1. Report from Commissioner Baghdadi on community meetings regarding Arab-American utilization as M/W/LBEs

Commissioner Baghdadi stated that Ali Altaha from the Arab Chamber of Commerce came and spoke to the Commission during public comment in a past Commission Meeting, raising a number of issues concerning the under-utilization of Arab MBEs in the program. Commissioner Baghdadi and Director Harmon met with Mr. Altaha to further discuss these issues. The meeting took place on July 9 and lasted for over an hour. At this point Commissioner Baghdadi wants to meet with the Arab-American Chamber of Commerce and HRC certified Arab-American businesses to ensure that the concerns that are being raised are being experienced on the business level. Commissioner Baghdadi stated that he will schedule with the Arab Chamber Members within the next two weeks to investigate this matter further.

Commissioner Baghdadi stated that although statistics do support that Arab-American businesses are the most under-utilized MBE group, the reality is that there are less Arab-American business than any other group. As such, the lack of available Arab-American businesses may be a more crucial factor to the under-utilization of these firms, than a systematic pattern or practice to not employ Arab-American businesses. Regarding the small number of certified Arab-American businesses, Commissioner Baghdadi stated that the offer has been made to the Arab-American community and still stands that Director Harmon and the HRC will facilitate workshops for the Arab-American community or any industry in the City, to cultivate HRC certification of businesses so they may take advantage of this program. Commissioner Baghdadi also offered to provide an Arab speaking person to translate at such a workshop, if requested.

Additionally, Commissioner Baghdadi stated that he will meet with the Arab-American HRC certified members to hear their concerns as well. After the two meetings with the Arab-American Chamber of Commerce and HRC certified Arab-American businesses, Commissioner Baghdadi will report back to the Commission.

Commissioner Ward stated that Arab-Americans have been and are currently members of the M/W/LBE Advisory Committee and that there has always been Arab-American representation on the Committee. He stated that an Arab-American group attended an M/W/LBE Advisory Committee meeting to inquire about how to make the program work more to their benefit and one of the suggestions that came as a result of their attendance was the possibility of creating a "mentorship program" between experienced or veteran certified firms.

b. Discussion and possible approval of HRC letter to the San Francisco Ethics Commission regarding the Alice B. Toklas Democratic Club letter dated February 26, 2003

Chair Heinicke stated after consultation with the City Attorney, the appropriate way to respond to the Alice B. Toklas request is to refer this on to the Ethics Commission for review and investigation. Chair Heinicke suggested two minor amendments to the letter

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

(attached), 1) simply confirming that the HRC has consulted with the City Attorney on this issue and that it is the position from the City Attorney's office that this is more appropriately handled by the Ethics Commission and 2) strengthen the last paragraph to say that we would like them to follow up with us or vica versa to ensure that this issue is appropriately mediated.

Commissioner Knutzen asked if the HRC letter would be recognized by the Ethics Commission as a formal complaint on behalf of the Alice B. Toklas Club. Deputy City Attorney Cathy Barnes stated that this letter serves as a request from one Commission to another to take the lead in this investigation, but the HRC will not just simply walk away from the issue and will work to ensure that the issue is thoroughly examined. Although the HRC cannot force the Ethics Commission to take on the case, it is good that the HRC will be visiting the process and end result along the way.

Chair Heinicke wondered if the Ethics Commission received a separate complaint from the Alice B. Toklas Club and Commissioner Sparks did not believe there was, as the Club was waiting for the HRC to make a decision before they approached the Ethics Commission. Once the Club receives a copy of this letter, the Club will then follow up with the Ethics Commission with a formal request of investigation into this matter.

Chair Heinicke asked for any public comment on this item. There was none.

With the inclusion of the above-mentioned changes the HRC letter to the San Francisco Ethics Commission regarding the Alice B. Toklas Democratic Club letter dated February 26, 2003 was moved (Dimapilis), seconded (Ward), and CARRIED by the following vote:

Ayes	10	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grossman, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	1	Becerril

5. REPORT OF THE DIRECTOR

a. Possible adoption of Resolution honoring the life of the late Enola Maxwell

Director Harmon presented the draft resolution for possible adoption honoring the life of Enola Maxwell. Commissioner Ward asked that this resolution be presented at the first meeting in September. Chair Heinicke asked the Commission to adopt the resolution with a date to be determined (presentation date), possibly the first meeting in September. Commissioner Rollins asked that her daughter, Supervisor Sophie Maxwell also be included in the resolution.

Chair Heinicke asked for any public comment on this item. There was none.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

With the inclusion of the above-mentioned changes the resolution honoring the life of the late Enola Maxwell was moved (Lee), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	10	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grossman, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	1	Becerril

b. Presentation of Chapter 12.D.A. Waiver Report for June (Fields)

James Fields (HRC Staff), presented the 12.D.A. Waiver Report for June. Chair Heinicke noted that when the draft report came out, it did not include the grant versus deny status on the requests. This status has been included on the report now presented to the Commission. Commissioner Sparks asked that these reports include the dollar amount of the waiver requests. Commissioner Lee asked that these reports include location of the businesses applying for sole source waivers. Commissioner Baghdassarian asked why number two was denied. Mr. Fields noted that in this instance the PORT had put out a competitive bid for this project.

c. Budget Update

Director Harmon stated this is the final budget update for this fiscal year, which began July 1. On Friday June 27th, Director Harmon appeared at the Board of Supervisors Budget Committee for the HRC's final hearing. The budget analyst had recommended to not further reduce the HRC budget, however he did recommend the removal of a position from the department which the HRC has not been able to fill since September 2001. The HRC maintained that position with the hope that the department could fill it at some point, but the budget analyst recommended the removal of that position. This position has been removed from the HRC. As a result, attrition savings has been reduced.

Chair Heinicke asked for any public comment on this item. There was none.

6. HRC DIVISION REPORT

Minority/Women/Local Business Enterprise (Equal Opportunity) Division

a. Presentation/Report on Harding Park Golf Course

Linda Chin (HRC Staff), discussed the Harding Park Renovation Project. Ms. Chin stated that four major City departments are involved on this project: the Public Utilities Commission (PUC) owns the land, Recreation and Park had jurisdiction, the Department of Public Works (DPW) manages the entire construction of the project, and the HRC monitors M/W/LBE participation on the project. Through this renovation project, Harding Park golf course has become a world class golfing facility and will host a major Professional Golf Association (PGA) tour event on September 2005. The Harding Park Golf Course and driving range will be open to the public at the end August.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

The prime contractor for this project is Kubly Golf Course Construction and its regional office is located in Arizona. The prime contractor has not only met, but exceeded, the 10% M/W/LBE sub-contracting goal. The San Francisco Chronicle also published an article about Harding Park Golf course renovation project in today's paper. According to Recreation and Park Department the golf course is projected to generate more than \$4.4 million dollars of revenue in the next five years.

Rick Thall, Project Manager for Harding Park golf course, DPW. Mr. Thall stated that the Harding Park project is a \$15 million dollar, multi-phase renovation to the golf facility. The project phases include the renovation of the 18-hole Harding Park golf course, the 9-hole Jack Fleming course, a new driving range, an new maintenance facility, a new parking lot and the addition of a "First Tee" facility which is a youth program for City kids. This facility will be established by the converting the old driving range into a teaching range and a temporary clubhouse for First Tee programs. Course renovation began in June of last year and seeding was completed in November. The course had very poor drainage, was very flat, had aging tree canopy, and invasive grasses. Mr. Thall outlined the many changes that the course has undergone, including removing and replacing cart paths, removing invasive weeds and grasses, replacing grasses, installing a dual pipe irrigation system, eliminating the hazardous trees, extensive pruning to the remaining trees and reforestation. Putting greens have been refitted with extensive drainage system.

Commissioner Lee asked if the permanent club house/restaurant on the course would be replaced. Mr. Thall stated that both of those facilities have been demolished and a temporary club house has been erected. He added, it is expected that the revenues generated from the golf course would establish funds for the new and permanent club house.

Commissioner Sparks noted that expenditures on this project are 1.82 percent over the original contract award and asked how that figure was accounted for. Mr. Thall stated that he believed that that money was accounted for through the change order process.

Commissioner Heinicke asked if there was a particular PGA event booked for September 2005, and Mr. Thall stated that there is a signed agreement between the golf course and the PGA, but an exact event has not yet been identified.

Chair Heinicke asked for any public comment on this item. There was none.

7. COMMITTEE REPORTS

a. Minority/Women/Local Business Enterprise Advisory Committee

i. Report of June 18, 2003 Committee Meeting

James Fields (HRC Staff), stated that at the last committee meeting the committee established a task force that will work with the members of the EO unit staff to draft the changes to the ordinance into the rules and regulations. Two HRC staffers (Preston Tom and Lome Aseron) have been assigned to work with the task force.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

The language for the rules and regulations will be brought to the August meeting of the Committee, then forwarded to the full Commission for approval.

**8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS**

Director Harmon noted that the second Commission meeting in July is canceled.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:32 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible.

You may request paper copies from the Commission Secretary ******

HRC COMMISSION LETTERHEAD

Robert Planthold, Chair
San Francisco Ethics Commission
30 Van Ness Avenue, Suite 3900
San Francisco, CA 94102

Dear Mr. Planthold:

The Human Rights Commission received a request from the Alice B. Toklas LGBT Democratic Club to investigate a telephone message campaign in District 8 during the December 2002 run-off election ("Complaint"). According to the Complaint, an unknown person or group caused a largely inarticulate voice message in an exaggerated urban African-American dialect to be phoned to targeted households. The caller urged voters to support then-candidate Bevan Dufty, but actually intended to discredit Dufty. A copy of the Alice B. Toklas LGBT Democratic Club complaint is attached.

The allegations in the Complaint, if true, unquestionably touch upon concerns within the purview of the Human Rights Commission, specifically our Charter responsibility to promote understanding among the diverse city residents and to address community-wide problems resulting in intergroup tensions and discrimination. However, we understand that you received a similar request to investigate this incident from the same complainant, and perhaps others. We believe that the subject of the Complaint more closely fits within the jurisdiction of the Ethics Commission and therefore request that you take the lead in investigating this matter.

Allegations of campaign "dirty tricks" appear to fall squarely within the Ethics Commission's authority over government ethics. Specific laws that may be implicated in this matter include San Francisco Campaign and Governmental Conduct Code Section 1.163, which requires certain recorded telephone messages expressly supporting a candidate for city office to identify the person who paid for the message, and San Francisco Campaign and Governmental Conduct Code Section 1.530, by which campaign consultants voluntarily pledge to "refrain from appealing to prejudice in the conduct of a campaign, and from conducting, managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic background, religious affiliation or nonaffiliation, sexual orientation, age, disability, or economic status. ..."

We also note that, depending on the results of your investigation, the Ethics Commission may have a broad range of enforcement options, whereas the Human Rights Commission is limited to mediating and conciliating between aggrieved parties.

Finally, the Ethics Commission has the specific duty, set forth in Charter Section C3.699-11(6), to make recommendations to the Mayor and Board of Supervisors for changes to city ordinances relating to government ethics. Your investigation of this incident may well lead you to recommend changes that will discourage future race-based campaign "dirty tricks."

The Human Rights Commission will defer further action on the Complaint pending the conclusion your investigation or notification that the Ethics Commission will not be investigating the Complaint. Please feel free to call upon us if we can assist you in any way.

[Commending Enola D. Maxwell]

COMMENDING THE LIFE OF ENOLA D. MAXWELL

WHEREAS, Ms. Maxwell has been described by Mayor Willie L. Brown, Jr. as “a giant in the community, the quintessential neighborhood activist,” and

WHEREAS, Ms. Maxwell was appointed a Commissioner of the Human Rights Commission by Mayor George Moscone; and

WHEREAS, Ms. Maxwell was an active member of the Human Rights Commission’s Youth and Education Committee during Mayor Art Agnos’ administration; and

WHEREAS, Ms. Maxwell has received numerous awards and certificates recognizing and honoring her unparalleled commitment to the welfare of children and the community at large; and

WHEREAS, Ms. Maxwell has enhanced the lives of a significant portion of the people in our community—having devoted over thirty years of her life to Commissions, political clubs, and organizations serving the local and state levels; and

WHEREAS; Ms. Maxwell so inspired the community and the City and County of San Francisco; now, therefore, be it

RESOLVED, That the Human Rights Commission of the City and County of San Francisco extends its highest commendation honoring the life of Enola D. Maxwell.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

ITEM 4.C.

09-11-03

DOCUMENTS DEPT.

SEP - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

**Regular Meeting
Thursday, July 10, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Alicia Becerril, *Vice-Chair*
Khalidoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

1. CALL TO ORDER AND ROLL CALL

Commissioner Chair Heinicke called the meeting to order at 4:41 p.m.

Commissioners Present

Malcolm A. Heinicke, *Chair*
Khaldoun Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles Ward

Commissioners Excused

Alicia Becerril, *Vice Chair*

HRC Staff Present

Virginia Harmon, Director; Sophia Simpliciano, Acting Commission Secretary; Larry Brinkin, Linda Chin, James Fields, Bayard Fong, Cynthia Goldstein, Veronica Ng and Roel Villacarlos

Guests Present

Deputy City Attorney Catherine Barnes, Mindy Lee (HRC Intern) and Jonnie Robinson (Mayor's Office)

A quorum was present.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

4. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

Commissioner Dimapilis attended ground-breaking ceremony of the International Hotel with the Chinatown Development Corporation, the Mayor and the Board of Supervisors. Commissioner Knutzen noted that the HRC had very active participation in the Gay Pride Parade and she thanked the Chair, the Director and Staff. Chair Heinicke stated that the event was very positive and also thanked the interns for their involvement and hard work.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

a1. Report from Commissioner Baghdadi on community meetings regarding Arab-American utilization as M/W/LBEs

Commissioner Baghdadi stated that Ali Altaha from the Arab Chamber of Commerce came and spoke to the Commission during public comment in a past Commission Meeting, raising a number of issues concerning the under-utilization of Arab MBEs in the program. Commissioner Baghdadi and Director Harmon met with Mr. Altaha to further discuss these issues. The meeting took place on July 9 and lasted for over an hour. At this point Commissioner Baghdadi wants to meet with the Arab-American Chamber of Commerce and HRC certified Arab-American businesses to ensure that the concerns that are being raised are being experienced on the business level. Commissioner Baghdadi stated that he will schedule with the Arab Chamber Members within the next two weeks to investigate this matter further.

Commissioner Baghdadi stated that although statistics do support that Arab-American businesses are the most under-utilized MBE group, the reality is that there are less Arab-American business than any other group. As such, the lack of available Arab-American businesses may be a more crucial factor to the under-utilization of these firms, than a systematic pattern or practice to not employ Arab-American businesses. Regarding the small number of certified Arab-American businesses, Commissioner Baghdadi stated that the offer has been made to the Arab-American community and still stands that Director Harmon and the HRC will facilitate workshops for the Arab-American community or any industry in the City, to cultivate HRC certification of businesses so they may take advantage of this program. Commissioner Baghdadi also offered to provide an Arab speaking person to translate at such a workshop, if requested.

Additionally, Commissioner Baghdadi stated that he will meet with the Arab-American HRC certified members to hear their concerns as well. After the two meetings with the Arab-American Chamber of Commerce and HRC certified Arab-American businesses, Commissioner Baghdadi will report back to the Commission.

Commissioner Ward stated that Arab-Americans have been and are currently members of the M/W/LBE Advisory Committee and that there has always been Arab-American representation on the Committee. He stated that an Arab-American group attended an M/W/LBE Advisory Committee meeting to inquire about how to make the program work more to their benefit and one of the suggestions that came as a result of their attendance was the possibility of creating a "mentorship program" between experienced or veteran certified firms.

b. Discussion and possible approval of HRC letter to the San Francisco Ethics Commission regarding the Alice B. Toklas Democratic Club letter dated February 26, 2003

Chair Heinicke stated after consultation with the City Attorney, the appropriate way to respond to the Alice B. Toklas request is to refer this on to the Ethics Commission for review and investigation. Chair Heinicke suggested two minor amendments to the letter

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

(attached), 1) simply confirming that the HRC has consulted with the City Attorney on this issue and that it is the position from the City Attorney's office that this is more appropriately handled by the Ethics Commission and 2) strengthen the last paragraph to say that we would like them to follow up with us or vica versa to ensure that this issue is appropriately mediated.

Commissioner Knutzen asked if the HRC letter would be recognized by the Ethics Commission as a formal complaint on behalf of the Alice B. Toklas Club. Deputy City Attorney Cathy Barnes stated that this letter serves as a request from one Commission to another to take the lead in this investigation, but the HRC will not just simply walk away from the issue and will work to ensure that the issue is thoroughly examined. Although the HRC cannot force the Ethics Commission to take on the case, it is good that the HRC will be visiting the process and end result along the way.

Chair Heinicke wondered if the Ethics Commission received a separate complaint from the Alice B. Toklas Club and Commissioner Sparks did not believe there was, as the Club was waiting for the HRC to make a decision before they approached the Ethics Commission. Once the Club receives a copy of this letter, the Club will then follow up with the Ethics Commission with a formal request of investigation into this matter.

Chair Heinicke asked for any public comment on this item. There was none.

With the inclusion of the above-mentioned changes the HRC letter to the San Francisco Ethics Commission regarding the Alice B. Toklas Democratic Club letter dated February 26, 2003 was moved (Dimapilis), seconded (Ward), and CARRIED by the following vote:

Ayes	10	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grossman, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	1	Becerril

5. REPORT OF THE DIRECTOR

a. Possible adoption of Resolution honoring the life of the late Enola Maxwell

Director Harmon presented the draft resolution for possible adoption honoring the life of Enola Maxwell. Commissioner Ward asked that this resolution be presented at the first meeting in September. Chair Heinicke asked the Commission to adopt the resolution with a date to be determined (presentation date), possibly the first meeting in September. Commissioner Rollins asked that her daughter, Supervisor Sophie Maxwell also be included in the resolution.

Chair Heinicke asked for any public comment on this item. There was none.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

With the inclusion of the above-mentioned changes the resolution honoring the life of the late Enola Maxwell was moved (Lee), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	10	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grossman, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	1	Becerril

b. Presentation of Chapter 12.D.A. Waiver Report for June (Fields)

James Fields (HRC Staff), presented the 12.D.A. Waiver Report for June. Chair Heinicke noted that when the draft report came out, it did not include the grant versus deny status on the requests. This status has been included on the report now presented to the Commission. Commissioner Sparks asked that these reports include the dollar amount of the waiver requests. Commissioner Lee asked that these reports include location of the businesses applying for sole source waivers. Commissioner Baghdassarian asked why number two was denied. Mr. Fields noted that in this instance the PORT had put out a competitive bid for this project.

c. Budget Update

Director Harmon stated this is the final budget update for this fiscal year, which began July 1. On Friday June 27th, Director Harmon appeared at the Board of Supervisors Budget Committee for the HRC's final hearing. The budget analyst had recommended to not further reduce the HRC budget, however he did recommend the removal of a position from the department which the HRC has not been able to fill since September 2001. The HRC maintained that position with the hope that the department could fill it at some point, but the budget analyst recommended the removal of that position. This position has been removed from the HRC. As a result, attrition savings has been reduced.

Chair Heinicke asked for any public comment on this item. There was none.

6. HRC DIVISION REPORT

Minority/Women/Local Business Enterprise (Equal Opportunity) Division

a. Presentation/Report on Harding Park Golf Course

Linda Chin (HRC Staff), discussed the Harding Park Renovation Project. Ms. Chin stated that four major City departments are involved on this project: the Public Utilities Commission (PUC) owns the land, Recreation and Park had jurisdiction, the Department of Public Works (DPW) manages the entire construction of the project, and the HRC monitors M/W/LBE participation on the project. Through this renovation project, Harding Park golf course has become a world class golfing facility and will host a major Professional Golf Association (PGA) tour event on September 2005. The Harding Park Golf Course and driving range will be open to the public at the end August.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

The prime contractor for this project is Kubly Golf Course Construction and its regional office is located in Arizona. The prime contractor has not only met, but exceeded, the 10% M/W/LBE sub-contracting goal. The San Francisco Chronicle also published an article about Harding Park Golf course renovation project in today's paper. According to Recreation and Park Department the golf course is projected to generate more than \$4.4 million dollars of revenue in the next five years.

Rick Thall, Project Manager for Harding Park golf course, DPW. Mr. Thall stated that the Harding Park project is a \$15 million dollar, multi-phase renovation to the golf facility. The project phases include the renovation of the 18-hole Harding Park golf course, the 9-hole Jack Fleming course, a new driving range, an new maintenance facility, a new parking lot and the addition of a "First Tee" facility which is a youth program for City kids. This facility will be established by the converting the old driving range into a teaching range and a temporary clubhouse for First Tee programs. Course renovation began in June of last year and seeding was completed in November. The course had very poor drainage, was very flat, had aging tree canopy, and invasive grasses. Mr. Thall outlined the many changes that the course has undergone, including removing and replacing cart paths, removing invasive weeds and grasses, replacing grasses, installing a dual pipe irrigation system, eliminating the hazardous trees, extensive pruning to the remaining trees and reforestation. Putting greens have been refitted with extensive drainage system.

Commissioner Lee asked if the permanent club house/restaurant on the course would be replaced. Mr. Thall stated that both of those facilities have been demolished and a temporary club house has been erected. He added, it is expected that the revenues generated from the golf course would establish funds for the new and permanent club house.

Commissioner Sparks noted that expenditures on this project are 1.82 percent over the original contract award and asked how that figure was accounted for. Mr. Thall stated that he believed that that money was accounted for through the change order process.

Commissioner Heinicke asked if there was a particular PGA event booked for September 2005, and Mr. Thall stated that there is a signed agreement between the golf course and the PGA, but an exact event has not yet been identified.

Chair Heinicke asked for any public comment on this item. There was none.

7. COMMITTEE REPORTS

a. Minority/Women/Local Business Enterprise Advisory Committee

i. Report of June 18, 2003 Committee Meeting

James Fields (HRC Staff), stated that at the last committee meeting the committee established a task force that will work with the members of the EO unit staff to draft the changes to the ordinance into the rules and regulations. Two HRC staffers (Preston Tom and Lome Aseron) have been assigned to work with the task force.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
JULY 10, 2003

The language for the rules and regulations will be brought to the August meeting of the Committee, then forwarded to the full Commission for approval.

**8. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS**

Director Harmon noted that the second Commission meeting in July is canceled.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:32 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible.

You may request paper copies from the Commission Secretary ******

HRC COMMISSION LETTERHEAD

Robert Planthold, Chair
San Francisco Ethics Commission
30 Van Ness Avenue, Suite 3900
San Francisco, CA 94102

Dear Mr. Planthold:

The Human Rights Commission received a request from the Alice B. Toklas LGBT Democratic Club to investigate a telephone message campaign in District 8 during the December 2002 run-off election ("Complaint"). According to the Complaint, an unknown person or group caused a largely inarticulate voice message in an exaggerated urban African-American dialect to be phoned to targeted households. The caller urged voters to support then-candidate Bevan Dufty, but actually intended to discredit Dufty. A copy of the Alice B. Toklas LGBT Democratic Club complaint is attached.

The allegations in the Complaint, if true, unquestionably touch upon concerns within the purview of the Human Rights Commission, specifically our Charter responsibility to promote understanding among the diverse city residents and to address community-wide problems resulting in intergroup tensions and discrimination. However, we understand that you received a similar request to investigate this incident from the same complainant, and perhaps others. We believe that the subject of the Complaint more closely fits within the jurisdiction of the Ethics Commission and therefore request that you take the lead in investigating this matter.

Allegations of campaign "dirty tricks" appear to fall squarely within the Ethics Commission's authority over government ethics. Specific laws that may be implicated in this matter include San Francisco Campaign and Governmental Conduct Code Section 1.163, which requires certain recorded telephone messages expressly supporting a candidate for city office to identify the person who paid for the message, and San Francisco Campaign and Governmental Conduct Code Section 1.530, by which campaign consultants voluntarily pledge to "refrain from appealing to prejudice in the conduct of a campaign, and from conducting, managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic background, religious affiliation or nonaffiliation, sexual orientation, age, disability, or economic status. ..."

We also note that, depending on the results of your investigation, the Ethics Commission may have a broad range of enforcement options, whereas the Human Rights Commission is limited to mediating and conciliating between aggrieved parties.

Finally, the Ethics Commission has the specific duty, set forth in Charter Section C3.699-11(6), to make to recommendations to the Mayor and Board of Supervisors for changes to city ordinances relating to government ethics. Your investigation of this incident may well lead you to recommend changes that will discourage future race-based campaign "dirty tricks."

The Human Rights Commission will defer further action on the Complaint pending the conclusion your investigation or notification that the Ethics Commission will not be investigating the Complaint. Please feel free to call upon us if we can assist you in any way.

[Commending Enola D. Maxwell]

COMMENDING THE LIFE OF ENOLA D. MAXWELL

WHEREAS, Ms. Maxwell has been described by Mayor Willie L. Brown, Jr. as "a giant in the community, the quintessential neighborhood activist," and

WHEREAS, Ms. Maxwell was appointed a Commissioner of the Human Rights Commission by Mayor George Moscone; and

WHEREAS, Ms. Maxwell was an active member of the Human Rights Commission's Youth and Education Committee during Mayor Art Agnos' administration; and

WHEREAS, Ms. Maxwell has received numerous awards and certificates recognizing and honoring her unparalleled commitment to the welfare of children and the community at large; and

WHEREAS, Ms. Maxwell has enhanced the lives of a significant portion of the people in our community—having devoted over thirty years of her life to Commissions, political clubs, and organizations serving the local and state levels; and

WHEREAS; Ms. Maxwell so inspired the community and the City and County of San Francisco; now, therefore, be it

RESOLVED, That the Human Rights Commission of the City and County of San Francisco extends its highest commendation honoring the life of Enola D. Maxwell.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

*****CANCELED*****

Regular Meeting

Thursday, July 24, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

*****CANCELED*****

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

August 14, 2003

4:30 pm

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.

JUL 22 2003

SAN FRANCISCO
PUBLIC LIBRARY

Toni A. Delgado
Commission Secretary

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

AUG 11 2003

SAN FRANCISCO
LIBRARY

Regular Meeting Agenda

Thursday, August 14, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Alicia Becerril, *Vice-Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: August 2003

August 07

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 13

Issues Committee Meeting

CANCELED

August 14

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

August 19

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 20

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 28

HRC Regular Commission Meeting

CANCELED

HRC CALENDAR: August 2003

August 07

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 13

Issues Committee Meeting

CANCELED

August 14

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

August 19

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 20

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

August 28

HRC Regular Commission Meeting

CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. APPROVAL OF MINUTES

- a. Approval of minutes of Commission Meeting of June 12, 2003
[☞Action Item *Attachment provided*]
- b. Approval of minutes of Commission Meeting of June 26, 2003
[☞Action Item *Attachment to be provided at meeting*]
- c. Approval of minutes of Commission Meeting of July 10, 2003
[☞Action Item *Attachment provided*]

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[☉Discussion Item *No Attachment*]

6. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for July (Kanios/Fields)
[☉Discussion Item *Attachment provided*]

7. HRC DIVISION REPORT

Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division:

- a. Gender Identity Discrimination: An Overview (Arana)
[☉Discussion Item *Attachment provided*]

8. ENVIRONMENTAL RACISM UPDATE

- a. Possible approval of letter to various agencies regarding water and sediment pollution in Yosemite Slough
[☞Action Item *Attachment provided*]

9. VIEWING OF VIDEOTAPE: SUNSHINE AND CONFLICT OF INTEREST LAWS FOR PUBLIC OFFICIALS

[☉Discussion Item *Videotape to be viewed at meeting*]

10. COMMITTEE REPORTS

a. *Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)*

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Report of July 15, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. *Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee*

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of July 16, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DOCUMENTS ITEM 6.A.
08-14-03

August 14, 2003

San Francisco Administrative Code Chapters
12B, 12C and 12D.A Sole Source Waiver Report

AUG 11 2003
SAN FRANCISCO
PUBLIC LIBRARY

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of July

No. 1: Public Utilities Commission requested a waiver for Pajaro Valley Electric (\$175,000), to provide electrical maintenance at the Crystal Springs Pump Station. **Granted:** An emergency was declared, subsequent emergency waiver granted, since the public's health and safety was at risk.

No. 2: Department of Public Health requested a waiver for McCoy's Patrol Service (\$25,000) to provide guard/driver service for the Mobile Methadone maintenance program. **Denied:** This is not a sole source for this service. This contract should go out to bid.

No. 3: Department of Public Health requested a waiver for Medical Staff Services Registry (\$49,000) to provide as-needed, temporary, credential-verification services and staffing. **Denied:** This is not a sole source for this service. This contract should go out to bid.

No. 4: Department of Public Health requested a waiver for James Bowman Associates (\$15,000) to provide a one-time statistical report and presentation of findings for the City-Wide Emergency Disaster drill. **Denied:** This is not a sole source for this service. This contract should go out to bid.

No. 5: Department of Public Health requested a waiver for UCSF Clinical Practice Group (SPR) (\$3,170,780) to continue to provide the Citywide Case Management program. **Granted:** This public entity provides citywide case management, SFHG outpatient care, and access to continuation of services for mental health consumers.

No. 6: Airport Commission requested a waiver for Identix (\$12,000) to provide maintenance agreement in regards to their proprietary software. **Granted:** Identix is the manufacturer and provider of the fingerprint scanners currently in use by the Airport's License and Permit Bureau.

No. 7: Mayor's Office on Disability requested a waiver for Kathryn C. Morris (\$19,000) to provide a Self Evaluation Summary Report for the City. **Granted:** Ms. Morris was the subconsultant on this project before the contract expired. She began an analysis and the report, as well as structured the database before the original prime consultant stopped the work.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



No. 8: Public Utilities Commission requested a waiver for City of Pleasanton – Dublin San Ramon Service District (DSRSD) (\$55,000) to provide sewage removal services. **Granted:** Due to lack of agencies in this area, DSRSD is the only agency that can provide this service.

No. 9: Public Works requested a waiver for Friends of the Urban Forest (\$235,000) to provide Tree Planting. **Granted:** This is the only organization that provides this street trees planting service that is the responsibility of private property owners. The organization operates through staff and volunteers, providing neighborhood tree-planting projects, new tree maintenance, and public education regarding proper tree care practices.

No. 10: Port Commission requested a waiver for San Francisco League of Urban Gardeners (SLUG) (\$30,000) to provide landscape maintenance services. **Granted:** SLUG provides cultivation and care of native plants at Heron's Head Park that other organizations cannot supply. SLUG has a native nursery that collects seeds and cultivates plants from this Park.

No. 11: Reproduction & Mail Services requested a waiver for AB Dick (\$5,000) to provide maintenance services for two legacy printing presses. **Granted:** No other firm has been found that does this work.

No. 12: Reproduction & Mail Services requested a waiver for Ascom Hasler Mailing System (\$2,500) to purchase two Ascom Hasler high volume postage meters. **Granted:** Ascom Hasler is the manufacturer of this product, while International Mailing and Equipment is its sole vendor. The meters must be rented from Ascom Hasler. Also, the actual USPS postage must be processed through the vendor company.

No. 13: Department of Public Works requested a waiver for Telamon/SOHA (\$30,048) to provide design support services to implement the Helen Wills Park Project. **Granted:** This firm assisted in the design phase of the Park. Now, during the construction phase, their services are needed to avoid possible liability, to maintain continuity and quality assurance for the remainder of the project.

No. 14: Department of Public Works requested a waiver for Holt Hinshaw (\$40,000) to provide "Basic Services" during the construction phase of the Helen Wills Playground Project. **Granted:** This firm was the architect of record and lead designer for the Park. Their services are needed to avoid possible liability, to maintain continuity and quality assurance during the construction phase for the project.

No. 15: Department of Public Health requested a waiver for Biomerieux Inc. (\$110,000) to provide HIV- antibody test kits. **Granted:** This firm is the sole source supplier for the purchase of ELIA test reagents. It screens Oral fluid samples for the HIV – antibody.

No. 16: Animal Care and Control requested a waiver for Pets Unlimited (\$57,000) to provide emergency animal care when necessary. **Granted:** This organization operates the only San Francisco veterinary hospital that provides 24/7 medical services for sick and injured animals.

No. 17: Public Health requested a waiver for Milhous Children's Services (\$32,000) to provide residential care, educational and mental health services for children. **Granted:** The child's best interest was key to determine that this facility should continue to provide these services for one year.

No. 18: Public Health requested a waiver for C R Bard (\$185,000) to continue to provide a variety of catheters available only from this vendor. **Granted:** These items are physician preferred and prescribed items.

No. 19: Public Health requested a waiver for North Coast Medical (\$50,000) to continue to provide rehabilitation assist devices available only from this vendor. **Granted:** This vendor is a sole source distributor for these items.

No 20: Department of Public Health requested a waiver for Luxor Cab Co. (\$440,000) to provide acquire Taxi Vouchers for Patient transportation. **Granted:** Luxor is the only company that responded to the proposal.

No. 21: Public Utilities Commission requested a waiver for ARUP (\$45,000) to repair the Early Intake Switchback Road, a single all season access roadway. **Granted:** An emergency was declared, subsequent emergency waiver granted, due to the heavy rains and subsequent slippage to the area. This is the only roadway access to 3 powerhouses.

No. 22: Public Utilities Commission requested a waiver for Treadwell & Rollo (\$320,000) to provide oversight services for the geological and geotechnical investigation that ARUP would perform at the Early Intake Switchback Road. **Granted:** An emergency was declared, subsequent emergency waiver granted, at this site.

No. 23: Department of Public Works requested a waiver for BART (\$130,000) as co-sponsor to the Livable Communities Grant. **Granted:** This public entity is the co-sponsor on this venture in which DPW is responsible to perform design services and match funds for this project.

No. 24: Animal Care and Control requested a waiver for Vortech Pharmaceuticals (\$3,000) to supply their euthanasia solution. **Granted:** They are sole source manufacturer and distributor of this particular product.

No. 25: Department of Animal Care and Control requested a waiver for Merial (\$5,000) to supply their Rabies vaccine and Feline vaccine. **Granted:** Merial is sole source for these particular products.

No. 26: Real Estate Division requested a waiver for Chicago Title Co. (\$14,315) (to act as agent and title insurer for the City's purchase of 1298 Ocean Avenue. **Granted:** The seller selected this firm to act in these capacities.

No. 27: Department of Human Resources requested a waiver for Franklin-Covey Client Sales (\$40,000) to provide training materials. **Granted:** These materials are copyrighted.

No. 28: Arts Commission requested a waiver for ARG Conservation Services to (\$191,000) conserve the Portals of the Past monument in Golden Gate Park. **Granted:** This particular project requires knowledge of fine art conservation and preservation standards of the American Institute for Conservation of Historic and Artistic Works Code of Ethics and Standards of Practice and Historic Preservation Standards.

No. 29: Public Works requested a waiver for the Garden Project (\$235,000) to continue to provide young tree care for city-maintained street trees. **Granted:** Uniquely, the Garden Project's work provides job training and counseling for former prisoners who participate in the program.

No. 30: Animal Care and Control requested a waiver for Bayer Corporation (\$3,000) to continue to provide pharmaceutical products that are not available from other vendors. **Granted:** This firm is a sole source for these particular products.

No.31: Reproduction & Mail Services requested a waiver for Bell & Howell (\$95,000) to provide maintenance services to their OCR- barcoding and insertion equipment. **Granted:** This firm is the manufacturer- supplies and software can only be obtained from them.



AUG 11 2003

Virginia M. Harmon
Executive Director

SAN FRANCISCO
PUBLIC LIBRARY

ITEM 7.A.

08-14-03

Discrimination against transgender people

EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS:

The majority of the complaints received by the San Francisco Human Rights Commission ("Commission") concern the use of bathrooms, with pronoun misuse being the second most recorded offense. These are some examples of how transgender people experience discrimination in employment, housing, and public accommodations, based upon the complaints received by the Commission.

EMPLOYMENT:

- ◆ Denial of application
- ◆ Failure to hire or promote
- ◆ Disparate treatment
- ◆ Removal from public duties or unreasonable change of duties
- ◆ Removal of usual tasks or duties
- ◆ Denial of use of appropriate bathroom
- ◆ Deliberate misuse of appropriate pronouns or new name
- ◆ Harassment by coworkers, supervisors, management, customers, or clients
- ◆ Wrongful termination

HOUSING:

- ◆ Refusal to rent or sell property
- ◆ Denial of application
- ◆ Harassment by neighbors, property managers, security personnel
- ◆ Forced to "prove" gender
- ◆ Lack of protection from landlord or manager against harassment from other tenants
- ◆ Wrongful eviction

PUBLIC ACCOMMODATIONS:

- ◆ Refusal to serve
- ◆ Denial of bathroom use
- ◆ Forced to "prove" gender
- ◆ Unreasonable surveillance
- ◆ Harassment by employees and/or clients/customers
- ◆ Deliberate misuse of pronouns or name



San Francisco Human Rights Commission

TRUE OR FALSE

1. Transgender may refer to a man who occasionally cross dresses. T / F
2. There are no federal laws that protect a transgender individual. T / F
3. Transsexuality is a medical condition. T / F
4. Transgender people always have sex changes. T / F
5. Most transsexual people are male-to-female. T / F
6. The Americans with Disabilities Act protects transgender people. T / F
7. Most transgender women are prostitutes. T / F
8. Gender is determined by genitalia. T / F
9. Many transgender people are unreliable. T / F
10. It's easy to identify a person as transgender. T / F
11. San Francisco is the only city in California where gender identity is a protected class. T / F
12. Transgender people are not parents. T / F
13. Anybody can get a sex change. T / F
14. Transsexuality is a mental condition. T / F
15. Being transgender is a choice. T / F

ANSWERS

1. **TRUE**

Transgender is an umbrella term that includes the following:

Transsexuals	Transvestites	Trans people
Cross dressers	Masculine females	Two-spirit
Female/Male impersonators	Feminine males	Gender Queer
Drag King/Queens	Androgynous people	Decline-to-State

Also, Intersex people have protection under the law when they are perceived as, or self-identify with, crossing or blurring stereotypical gender roles.

2. **FALSE**

TG people may seek protection under Title VII based on sex discrimination.

Note: Gender identity differs from sexual orientation.

3. **TRUE**

There is a medical diagnosis for transsexuality listed under ICD (International Classification of Diseases) as ICD.10 The irony is that one can only achieve this medical diagnosis by being tested psychologically.

4. **FALSE**

Many, but not all, transsexual people will have some kind of surgery to transition.

5. **FALSE**

There are roughly equal numbers of female-to-male transgender and transsexual people.

6. **FALSE**

The Americans with Disabilities Act excludes transvestites (Sec. 508) and transvestism, transsexualism and gender identity disorders as disabilities (Sec. 511).

7. **FALSE**

Some transgender women, like some who are not transgender, resort to sex work because conventional work becomes less accessible due to prejudice.

8. **FALSE**

Gender is a sense of self in terms of masculinity and femininity. In the case of transsexuality, gender and sex, most often, are in opposition.

9. **FALSE**

Transgender people hold jobs, pay bills and taxes, and contribute to society like other people. The stereotype implies that TG folks are liars, deceivers, and anti-social because they are regularly forced to hide their identity.

10. **FALSE**

You have undoubtedly encountered people who are transgender without even knowing it. Many trans people blend in completely.

11. **FALSE**

Besides San Francisco, Santa Cruz City and County, and West Hollywood also consider gender identity as a protected class. Outside California, the following governments also consider gender identity as a protected class:

Seattle, Olympia, Tacoma (Washington) ***Note: There is pending legislation to make gender identity as a protected class in the state of Washington.***

Minneapolis (Minnesota) ***Note: The entire state of Minnesota has gender identity as a protected class.***

Cambridge (Massachusetts)

Iowa City, (Iowa)

Evanston, Decatur (Illinois)

Pittsburgh, Harrisburg, York, Philadelphia, Erie County, Allentown (Pennsylvania)

New Orleans (Louisiana)

Louisville, Lexington-Fayette, Jefferson County (Kentucky)

Portland, Benton County, Multnomah, Salem (Oregon)

Grand Rapids, Ypsilanti, Ann Arbor, Huntington Woods (Michigan)

Toledo (Ohio)

Tucson (Arizona)

Boulder, Denver (Colorado)

Atlanta (Georgia)

Suffolk County, Rochester, New York City, Buffalo (New York)

The State of Rhode Island

Dallas (Texas)

12. **FALSE**

Many transgender people have children, either natural or adopted.

13. FALSE

It is very difficult and expensive to obtain gender-confirmation surgery. The Standards of Care were designed to make the process hard to access.

14. TRUE

It is listed in the DSM IV, under the heading of "Gender Identity Disorder." There is controversy, even among transgender people as to the need for such a diagnosis. Without it, few transsexual people could access surgery and hormones.

15. FALSE

The choice comes in choosing to express behavior that is seen to transgress stereotypical gender roles.

T-offers some kind of protection **GENDER IDENTITY LAWS** E-offers no protection

Level	Law	Employment	Housing	Public Accommodation
Federal	Title VII Federal Civil Rights Law	T file under "sex discrimination" if post-operative	T file under "sex discrimination" if post-operative	n/a
Federal	Americans with Disabilities Act (Sec. 508 excludes transvestites. Sec. 511 excludes transvestism, transsexualism and gender identity disorders as disabilities.)	E	E	E
State	Fair Employment and Housing Act	T file under "gender identity"	T file under "gender identity"	n/a
State	Unruh Civil Rights Act (... "or any other arbitrary reason")	n/a	n/a	E
State	California Labor Code	T may apply when TG is perceived to be lesbian, gay or bisexual; file with DIR/State Labor Commission	n/a	n/a
City/Local (Administrative Code)	Chapters 12A, 12B, 12C (Prohibits discrimination by City Contractors)	T file with HRC	T file with HRC	T file with HRC
City/Local (Police Code)	Article 33 (Gender identity is a protected class in SF.)	T file with HRC	T file with HRC	T file with HRC

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

ITEM 8.A.

08-14-03

DOCUMENTS DEPT.

COMMISSIONERS

Malcolm A. Heinicke
Chair

Alicia Becerril
Vice-Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DRAFT

August 14, 2003

Environmental Protection Agency
United States Navy
California Department of Parks and Recreation
California Department of Toxic Substances Control (DTSC)
San Francisco Department of Public Health
San Francisco Public Utilities Commission
San Francisco Port Commission

Re: Yosemite Slough

Dear <insert addressee>:

On Wednesday, June 25th, 2003, the San Francisco Human Rights Commission co-sponsored a Health Workshop at the City's Southeast Health Center. This workshop was the second in a series that the Commission is holding on the issue of environmental racism and related issues in the City's Bayview/Hunter's Point neighborhood. Other co-sponsors include San Francisco's Department of the Environment as well as the offices of Supervisor Sophie Maxwell and Assemblyman Mark Leno.

The primary goal of this workshop was to address the fact that Bayview/Hunter's Point has among the highest rates of breast and cervical cancer, asthma, and respiratory illnesses in California. The community lives in a highly impacted environment with many environmental hazards and the HRC hopes to help give residents a voice in the administration and regulation of these activities.

At the workshop, one of the specific issues brought to the Commission's attention concerned water and sediment pollution in Yosemite Slough, including raw sewage discharge as well as contamination from Parcel E of the Naval Shipyard. Many of the fishers along the edge of the Slough come from the surrounding area, often from impoverished families seeking to supplement their budget. We would appreciate your written assurance that the food that ends up on their table is safe to eat. If there is any doubt at all about contamination, we would strongly urge that your department immediately post signs warning visitors of the danger.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



Thank you for your time and consideration. We are holding regular follow up meetings in relation to the issues raised at these workshops, and are planning a final report to be issued in November of this year. We would therefore respectfully request that you respond to this letter by the end of next month.

We are interested in the results of any existing studies into the Slough's water quality, or any that may be ongoing or planned for the future. We understand that one is currently being conducted under the auspices of the Yosemite Slough Watershed Restoration Project. As mentioned above, we would also like your assurance that fishing and other recreational activities are safe for visitors.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

cc: Saul Bloom, Yosemite Watershed Restoration Project
Lynne Brown, Communities for a Better Environment
Rev. Andrew Bozeman, Southeast Sector Community
Development Corp.
Maurice Campbell, Community First Coalition
Francisco Da Costa, Environmental Justice Advocacy
Deidre Epps-Miller, South East Health Center
Karen Pierce, Department of Public Health

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

ITEM 4.D.

09-11-03

DOCUMENTS DEPT.

SEP - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

**Regular Meeting
Thursday, August 14, 2003**

DRAFT

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
AUGUST 14, 2003

1. CALL TO ORDER AND ROLL CALL

Acting Chair Sparks called the meeting to order at 4:37 p.m.

Commissioners Present

Khaldoun Baghdadi
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks

Commissioners Excused

Malcolm A. Heinicke, *Chair*
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Charles Ward

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Marcus Arana, Larry Brinkin, Cynthia Goldstein, Melinda Kanios, Veronica Ng, Diana Rathbone, Sophia Simpliciano, Carmen Smith and Nichole Truax

Guests Present

Ali Altaha (Public Comment), Curtis Evans (Public Comment), Mindy Lee (HRC Intern) and Nan Su (Public Comment)

A quorum was not present. Because a quorum was not present, all action items were tabled for the next meeting and only the following discussion took place.

2. CIRCULATE GENERAL COMMUNICATIONS FILE

There was no general communications file.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Nan Su provided the Commission with a 2003 Falun Gong Report and updated the Commission about Falun Gong and Charles Lee, who Mr. Su feels is wrongly detained in a Chinese prison. Mr. Su urged the HRC to write a letter to the State Legislature on behalf of Charles Lee (see attached).

Curtis Evans stated that he is a painting contractor in the City and County of San Francisco and is having a difficult time getting certified with the HRC. Mr. Evans stated that he waited for seven weeks for the HRC to conduct an unannounced site visit, but no one ever came, then he called the HRC office and was told that he had to be put on a six-month waiting period. Mr. Evans felt that seven weeks of his time had been wasted.

Director Harmon stated that she would follow up on this issue with the Certification Unit and would be in contact with Mr. Evans.

Ali Altaha spoke about a PUC contract number CS724. He stated that it passed through the Commission in less than ten days. Under Sunshine Ordinance, he requested documents from the PUC. According to Mr. Altaha, the documents clearly show that PUC

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
AUGUST 14, 2003

staff were involved in the negotiating the design before issuing the RFP. Mr. Altaha claimed that the PUC had pre-selected the contractor before issuing the RFP.

Director Harmon stated that the HRC would look into this matter and determine jurisdiction. Director Harmon noted that a conflict of interest complaint should be directed to the Ethics Commission.

4. APPROVAL OF MINUTES

a. Approval of minutes of Commission Meeting of June 12, 2003

Because a quorum was not present, this item was tabled for the next Commission meeting.

b. Approval of minutes of Commission Meeting of June 26, 2003

Because a quorum was not present, this item was tabled for the next Commission meeting.

c. Approval of minutes of Commission Meeting of July 10, 2003

Because a quorum was not present, this item was tabled for the next Commission meeting.

5. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

There were no individual commissioner reports.

6. REPORT OF THE DIRECTOR

Director Harmon made two announcements before moving on with the rest of her report. She informed the Commissioners that their fellow Commissioner Becerril had resigned position as a member of the Human Rights Commission and has been sworn in to be a member of the Civil Service Commission. Director Harmon also reminded the Commissioners and the public of the upcoming Environmental Racism Workshop, taking place on Wednesday August 20, from 10:00 a.m. to 1:00 p.m. at the Southeast Community Facility, 1800 Oakdale Avenue.

a. Presentation of Chapter 12.D.A. Waiver Report for July

Melinda Kanios (HRC Staff), presented the 12.D.A. Waiver Report for July. Commissioner Lee asked about the location of the contractor for waiver number one. Ms. Kanios stated that the contractor was based in Watsonville. Commissioner Lee expressed his concern to utilize local M/W/LBE firms, rather than outside agencies. Ms. Kanios stated that this waiver was granted on an emergency basis and that particular company was in the area and closest to the accident.

7. HRC DIVISION REPORT

Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division

a. Gender Identity Discrimination: An Overview

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
AUGUST 14, 2003

Marcus Arana (HRC Staff), provided the Commission with a Powerpoint presentation that informed them of different types of gender identity discrimination (see attached).

Commissioner Lee wondered if this presentation could be provided in different languages for the non-English speaking community. Mr. Arana stated that the HRC monitors all complaints and has found that they are not getting complaints on the basis of language, but if the need made itself apparent, the HRC would do everything possible to translate this training and present it in the language(s) requested.

Acting Chair Sparks stated that since Marcua Arana has been working on this issue, the advancements in the transgender community have been monumental.

8. ENVIRONMENTAL RACISM UPDATE

a. Possible approval of letter to various agencies regarding water and sediment pollution in Yosemite Slough

Diana Rathbone (HRC Staff), stated that the next Workshop is on Wednesday and the final Workshop will take place in October. Anytime after that, the Commission could plan on having a meeting in the Bayview/Hunter's Point community. Ms. Rathbone introduced Saul Bloom who showed photos of Yosemite Slough and stated that the southeast sector of San Francisco is the most contaminated portion of San Francisco according to the Department of Health. Because a quorum was not present, the approval of this letter was tabled for the next Commission meeting.

9. VIEWING OF VIDEOTAPE: SUNSHINE AND CONFLICT OF INTEREST LAWS FOR PUBLIC OFFICIALS

A videotape entitled "Sunshine and Conflict of Interest Laws for Public Officials," was shown to Commissioners and HRC Staffers. This videotape was produced by the City Attorney's Office and is an Ethics Commission requirement. A copy of this tape is available at the Human Rights Commission or the City Attorney's Office.

10. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

i. Report of July 15, 2003 Committee Meeting

Commissioner Knutzen stated that a Task Force has been established to accomplish the goals of the LGBTAC and the committee received a status update from the Gender Identity, Activism, Intersex, and the Budget Cut workgroup Task Forces. The Committee also received an overview of the Supreme Court decisions relating to sodomy laws and affirmative action.

b. Minority/Women/Local Business Enterprise Advisory Committee

i. Report of July 16, 2003 Committee Meeting

Director Harmon stated that the Committee received a presentation from HRC Staff regarding the newly adopted 12.D.A. Ordinance. The Committee also established a Task Force to review the new Rules and Regulations.

DRAFT

MINUTES OF THE HUMAN RIGHTS COMMISSION REGULAR MEETING
AUGUST 14, 2003

**11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS**

Acting Chair Sparks noted that the second Commission meeting in August is canceled.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 p.m.

**** NOTE:** These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible.

You may request paper copies from the Commission Secretary ******



Rescue Charles

8/14/2003, Thursday

Home Contact ChineseGB ChineseBig5

Background Information

Media Reports

International Response

Voice of Concerns

U.S. citizen Charles Li has been in illegal detention in China for

204 Days

Charles' 95 page letter released from a Nanjing prison:

NEW!

In late May of this year Dr. Charles Lee went on an 8 day hunger strike in a Nanjing prison in China to demand that Chinese authorities release the following 95 page document to US Consular Officials. The document was eventually delivered to his fiancé here in the United States and has been translated from the original manuscripts for public viewing. In the document, Dr. Lee explains, among other things, his reasons for traveling to China and his intention to use cable TV broadcasts to expose the gross human rights violations resulting from the now four-year persecution of Falun Gong. He explains in detail how his trial was politically motivated from the very beginning, how his arrest and abuse are intrinsically linked to his being a Falun Gong practitioner, and how Chinese officials manipulated the charges and evidence in an effort to convince the U.S. State Dept. that his imprisonment does not violate "freedom of belief". Dr. Lee also argues that based upon the Chinese Constitution he is not guilty of the charges brought upon him. He reveals disturbing details of physical and mental abuse he has received in the custody of Chinese authorities.

A significant portion of the document was written during a 130 hour period while his hands were cuffed. Understandably, there are some grammatical errors. However, we have chosen to leave the document in its original form. Charles requested that these documents be available to everyone to read. We hope you can take the time to read them and understand the facts of his case.

Appeal Letter

Letter from Charles to Mr. Walsh and Mr. Huck

Supplementary Material

Trial Record

An Interview of Dr. Li's fiancé, Ms. Yeong-ching Foo:

I first met Charles more than a year ago at a social gathering at Stanford University. He is a very kind and sincere person who always helps me when I have difficulties. He always looks into himself and tries to become a better person following the principles of truthfulness, compassion and forbearance. (Read Full Story)

Listen to a MP3 Song: [Free Charles Li](#)

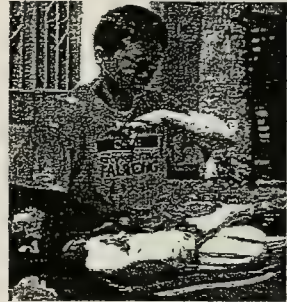
Send a letter to Charles.

How Can I Help?

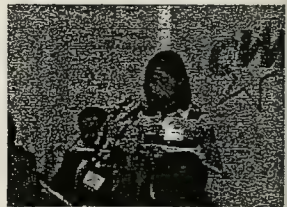
- International Signature Campaigns (select a input language):
English 简体 繁体
- Email Petitions ([Online Form](#))
- Co-sign Concerned
Scholars/Professionals for Rescuing Dr. Charles Li ([Online Co-sign](#))

Search

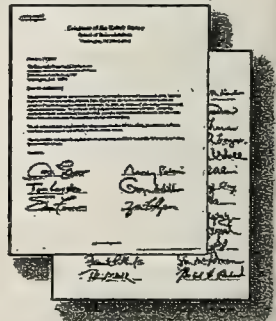
Photo News



Join Rally and Walk in San Francisco on July 12th to Rescue American Dr. Charles Lee from China



[Photo] Charles on Hunger Strike



U. S. Legislators Urge for the Release of American Falun Gong Practitioner

Letter from a Nanjing Jail
(06/16/2003 FDI)

Letter from a Nanjing Jail

Dr. Li reveals false accusations, show trial, brainwashing and beatings
(6/16/2003 9:35)

"I don't know if these materials will get into your hands. What I am going to do is to restart the hunger strike... if I don't hear from you by 5pm on 5/21/2003." – Dr. Charles Li

While handcuffed for 5 consecutive days in a Chinese prison, U.S. citizen, Dr. Charles Li, authored an appeal letter disclosing false accusations, brainwashing and beatings.

SAN FRANCISCO (FDI) – On June 4, 2003 Dr. Charles Li's fiancée received a document from the U.S. Consulate in Shanghai that Dr. Li had written while handcuffed for 5 consecutive days in a Nanjing jail.

At first, prison officials withheld eight pages of the document. Dr. Li then started a hunger strike to insist that the information reach its destination. After over a week on hunger strike and enduring forced feeding, Dr. Li remained determined to communicate with the outside world, and prison officials gave in.

Dr. Li was imprisoned in China after being ushered through a "show trial" in March for "preparing" to tap into Chinese state-run T.V. and broadcast programs exposing the persecution of Falun Gong in China. (news)

The actual charge Chinese authorities brought against Dr. Li, "Preparing to sabotage television and radio broadcast equipment," has allowed Chinese authorities to claim that Dr. Li's case is a criminal case that has nothing to do with his practice of Falun Gong.

Chinese authorities also maintain Dr. Li is being treated humanely, although they no longer permit U.S. consulate officials to visit him at Nanjing prison.

The document Dr. Li wrote, however, (excerpted below) discloses a very different story: he has been resisting unjust and abusive treatment, including attempts to brainwash him and force him to abandon his beliefs.

In his "Letter from a Nanjing Jail," Dr. Li explains in detail how his trial was politically motivated from the very beginning, how his arrest and abuse is intricately linked to his being a Falun Gong practitioner, and how Chinese officials have manipulated the charges and evidence in an effort to convince the U.S. State Dept. that his imprisonment does not touch upon "freedom of belief" issues. Dr. Li also explains that he is not guilty of the charges brought upon him, and reveals disturbing details of physical and mental abuse of an American citizen in a Chinese jail.

Below are excerpts from the documents forwarded by the U.S. Consulate in Shanghai. The "Letter" consists of two different documents that Dr. Li wrote, an "Appeal Letter" and a summary he titled "Supplementary Materials." Dr. Li wrote them on 96 pages of small sheets of paper in Chinese and English (approximately 21 single-spaced, word-processed pages when translated into English). The complete letters go into much greater detail in substantiating Dr. Li's claims than the excerpts below, which simply present his main arguments. Translations of both the "Appeal Letter" and the "Supplementary Materials" are available from the

Falun Dafa Information Center upon request.

His jailers at Nanjing Prison keep Dr. Li isolated from the outside world, from the representatives of his government, and from his fiancée and family. Here is Dr. Li's testimony, with which he managed to breakthrough the blockade put around him, by means of his courage and suffering alone.

A Political Trial

Everything the Chinese government has done to me since my illegal arrest on January 22, 2003 is illegal persecution.

As this case has developed, I have clarified the truth of the persecution of Falun Gong to those dealing with my case, and I have developed good relationships with them. They have also intentionally and unintentionally revealed information related to the decision-making in my case.

As soon as I was detained at the Guangzhou Baiyun Airport, I had caught their full attention. At one time they thought of charging me with "accusations" related to broadcasting Falun Gong truth materials. But they changed their mind when considering the fact that I have American citizenship and that all "accusations" related to Falun Gong would necessarily involve the issue of freedom of belief. They therefore considered pursuing these charges too difficult and decided to avoid any "accusations" related to Falun Gong. Instead they used the accusation of the "sabotage of radio and television equipment" in their charges against me.

When they decided to use this accusation, they did not have any evidence to prove that I had committed the crime. They did not know the technology involved or how to operate the interception equipment I had bought in October. They only knew that the equipment could possibly have something to do with clarifying the truth of Falun Gong. Nevertheless, on the 5th day of my arrest this year they fabricated a verification of the use of this equipment to justify the charge. [Editor's note: please see Charles Li's "Appeal Letter" where he denies actually broadcasting via cable TV]

One learns from incidents like this, that the law in China is a tool to be used in the persecution against Falun Gong. It has nothing to do with safeguarding justice.

As a matter of fact, I was also told (by some people from the government) that the Central Government is paying a lot of attention to my case. As a consequence, even the provincial public security bureau would not dare to release me. The Central Government's close involvement was confirmed when the state public security bureau directly sent people to participate in the case and to do so-called investigations...

...they tried not to connect my case to the Falun Gong issue and treated this completely as a criminal case related to the "sabotage of Radio and television equipment." The purpose was to cover up their illegal persecution of Falun Gong, deprive Falun Gong practitioners' of their legal rights to clarify the truth, and cover up their persecution of us. ["Supplementary Materials"]

Dr. Li's Innocence

Yangzhou People's Procuratorate charged me, in its indictment numbered (2003)4, with the following: in order to serve the purpose of illegal program insertion, Li attempted to sabotage radio/television facilities and to endanger public safety, and therefore violated the first section of Article 124 in the Criminal Law of

PRC, and prepared a so-called crime. ["Appeal Letter"]

I did intend to utilize the cable TV in Yangzhou City last October to broadcast the truth of the persecution of Falun Gong to the public. I have never denied this fact. However, such an act would have the following legal characteristics:

The act of clarifying the truth itself is protected by the Chinese Constitution and the Chinese criminal law.

The technology design and the operation methods used to clarify the truth using the cable TV does not fit the condition of "sabotage" defined by the Criminal Law Act 124 (i.e. that the equipment's normal function would be damaged. The prosecutor completely agreed with this point in the court debate.).

Utilizing the cable TV to clarify the truth cannot possibly cause damage to the public safety. On the contrary, such use safeguards public safety.

That is to say my intention of utilizing the cable TV to do a broadcast is totally different from violating criminal law 124. Only if it is contrary to the above 3 characteristics or criteria can the violation of criminal law item #124 exist. [Editor's note: please see Charles Li's appeal where he denies broadcasting via cable TV]. ["Supplementary Materials"]

A Rigged Trial

During the court trial, the judges repeatedly deprived me of my right to present evidence and defend myself. Examples are listed below:

False evidence and false statements were given by Huujun Nin and Cui Yan [editor: witnesses for the prosecution] about many important questions regarding the determination of the nature of the case. Yet, the judge stopped me from raising related questions to clear things up.

He also stopped me from questioning the prosecutor

He also stopped me from presenting evidence of innocence.

He also stopped me from defending myself by using the Chinese Constitution & Laws. ["Appeal"]

Brainwashing and Abuse in Jail

1. Serious violations of my freedom of belief

At the earlier stage of my arrest, they used various means in an attempt to force me to give up Falun Gong cultivation. During the three days February 10 to 12, I was forced to watch their propaganda videos slandering Falun Gong and its founder.

They used force to confiscate my book Zhuan Falun. I have asked them many times to return the book to me but in vain. In addition, the American Consulate sent a copy, which was also confiscated.

They have inhibited and restricted me from practicing Falun Gong, even though I have kept telling them that practicing is extremely important in order for me to maintain my health.

2. Physical punishment and abuse, beatings and torture

On January 22, 2003, I was beaten up at the Guangzhou Baiyun Airport

After my arrest on January 22, under the condition that I was on hunger strike, they didn't allow me to sleep for 3 days and nights. A group of them took turns attacking me (in interrogation).

Since 9:15 pm on January 22, 2003, under the condition that I was on hunger strike, I was tortured with handcuffs for over 72 hours. Most of the time, they handcuffed my hands behind my back and prevented me from moving. Especially from 8 pm to 12 am on January 23, 2003 when they moved me from Shanghai Pudong to Yangzhou City, they handcuffed me behind my back and intentionally tightened the handcuffs into my flesh. It was extremely painful. On Jan. 24, they grabbed my handcuffs and pulled them up from my back, which caused devastating pain. The scars are still visible on my wrist.

At the Yangzhou Detention Center, from 8 am on March 27 to 2:30 pm on April 2, they handcuffed me consecutively for 130 hours. Those days were extremely hot, my winter clothes were smelly, and I wasn't able to change them. Still I must hurry up to write 3 appeal letters with 96 pages.

At the Nanjing jail, I was beaten up in the afternoon on May 12, 2003, and they shaved my hair with force. I was handcuffed on an iron bed for 4 hours. On May 13, 2003, they used force to put a jail uniform on me; and they handcuffed my hands behind my back for 5 hours.

["Supplementary Materials"]

"Those criminals who have been persecuting Falun Gong, they are ones who should be indicted." ["Appeal Letter"]

###

NEWS - Jun. 16, 2003

Falun Dafa Information Center, www.faluninfo.net

Background

Falun Gong, also known as Falun Dafa (about), is a practice of meditation and exercises with teachings based on the universal principle of "Truthfulness-Compassion-Tolerance." It is a practice that was taught in private for thousands of years before being made public in 1992 by Mr. Li Hongzhi. Falun Gong has roots in traditional Chinese culture, but it is distinct and separate from other practices such as the religions of Buddhism and Taoism. Since its introduction in 1992, it quickly spread by word of mouth throughout China, and is now practiced in over 50 countries.

With government estimates of as many as 100 million practicing Falun Gong, China's President Jiang Zemin outlawed the peaceful practice in July 1999 (report), fearful of anything touching the hearts and minds of more citizens than the Communist Party. Unable to crush the spirit of millions who had experienced improved health and positive life changes from Falun Gong, Jiang's regime has intensified its propaganda campaign to turn public opinion against the practice while quietly imprisoning, torturing and even murdering those who practice it.

The Falun Dafa Information Center has verified details of 730 deaths (reports / sources) since the persecution of Falun Gong in China began in 1999. Government officials inside China, however, report that the actual death toll is well over 1,600, while expert sources estimate that figure to be much higher. Hundreds of thousands have been detained, with more than 100,000 being sentenced to forced labor camps, typically without trial.

FOR MORE INFORMATION, PLEASE CONTACT THE FALUN DAFA INFORMATION CENTER-
Contacts: Gail Rachlin 917-501-4441, Levi Browde 914-720-0963, Erping Zhang 646-533-6147, or Feng Yuan 917-941-1097. Email: faluninfoctr@nycmail.com, Website: [href="http://www.faluninfo.net/">http://www.faluninfo.net/](http://www.faluninfo.net/)

Download: as .doc | .htm (6/16/2003 9:35)

FOR MORE INFORMATION, PLEASE CONTACT THE FALUN DAFA INFORMATION CENTER
Contacts: Gail Rachlin (+1 917-501-4441), Levi Browde (+1 914-720-0963), Erping Zhang (+1 646-533-6147), or Feng Yuan (+1 917-941-1097).
Fax: 646-792-3916 Email: faluninfoctr@nycmail.com, Website: <http://www.faluninfo.net/>
Mailbox of FalunInfo editor@faluninfo.net

Friends of Falun Gong Sent Letter to President Bush
(2003-06-4 minghui.org)

June 3, 2003

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
202-456-2461

Dear Mr. President:

On behalf of Friends of Falun Gong USA, I am writing regarding Dr. Charles Li, an American who is imprisoned in China. Dr. Li is now into his seventh day of a hunger strike to protest his unjust treatment and imprisonment by the Chinese government.

Our previously expressed concerns that Dr. Li will be severely mistreated now seem quite real. According to sources at the U.S. consulate in Shanghai, he has been force-fed since May 31 in a hospital inside Nanjing Prison. US consulate officials are not permitted to visit and needless to say we are very concerned about the welfare of our fellow American. More than 10% of all deaths of Falun Gong practitioners in Chinese custody have resulted from force-feeding.

As you may know Dr. Charles Li was imprisoned in China after being ushered through a "show trial" in April for allegedly "preparing" to tap into Chinese state-run T.V. and broadcast programs exposing the persecution of Falun Gong in China. Dr. Li is a brave man, incarcerated purely because of his practice of Falun Gong, and because he would not accept the lies and deception perpetrated on the Chinese people by Jiang Zemin.

This former head of the Chinese government banned the practice of Falun Gong in July 1999, and since that time, the State Department, various human rights organizations, and the unanimous House of Representatives have documented the brutal nature of the crackdown. The egregious behavior of this regime and the intensity of the persecution bear no relation to a peaceful system that has provided superior physical and mental health to millions of its adherents.

Hundreds of thousands of innocent people have been imprisoned and tortured and hundreds, if not thousands, have been murdered, affecting millions more who are part of their lives. To have such a large proportion of the Chinese population experience genocide without the leader of the free world speaking up publicly and forcefully will be a blemish on the legacy of your presidency.

Since Jiang banned the practice of Falun Gong in July 1999, the State Department, various human rights organizations, and the unanimous House of Representatives have all condemned the brutal nature of the crackdown on an unarmed and peaceful people. Now that Jiang has stepped down as head of state, he is subject to the consequences of violating international human rights law, and as such faces a civil suit in the United States for genocide and crimes against humanity. The circumstances surrounding Dr. Li's arrest and subsequent torture are but one more example of this.

Mr. President, we urge you to please speak up in defense of the human rights of those people who practice Falun Gong in China, and Dr. Li in particular. Further, we ask that you instruct the Department of Justice to withdraw its attempts to dismiss the case against Jiang. By intervening on his behalf, the United States is implicitly supporting Jiang and his brutal dictatorship, and this is counter to every principle Americans have defended with their lives.

Thank you.

Sincerely,

Alan Adler
Executive Director

CC: Secretary of State Colin L. Powell
Deputy Secretary -- Richard L Armitage
Under Secretary for Global Affairs -- Paula J. Dobriansky
Assistant Secretary -- Lorne Craner
Ambassador Clark T. Randt

TRANSGENDER ISSUES



An Overview of Gender Identity Discrimination

Transgender: To cross gender

- TRANSEXUAL
- TRANSVESTITE
- CROSS DRESSER
- DRAG QUEEN
- DRAG KINGS
- PROFESSIONAL IMPERSONATOR
- GENDER QUEER
- ANDROGYNOUS
- TWO-SPIRIT
- MASCULINE WOMEN
- FEMININE MEN
- BUTCH
- FEMME

Stereotypes

GAY

- faggot
- pansies
- fairies
- limp-wristed
- florists
- effeminate
- child molesters
- swishy
- finicky

LESBIAN

- butch
- manly
- short hair
- dyke
- truck drivers
- hate men
- sexy
- bad experience with men
- swagger

Stereotypes

BISEXUAL

- can't tell
- fence-sitters
- anything that moves
- confused
- chic
- ac/dc
- men spread AIDS
- really straight or gay
- psycho killers

TRANSGENDER

- ugly women
- Male-to-Female
- men in dresses
- prostitutes
- drug addicts
- mentally ill
- he/she
- s/him
- beards & low voices
- tall and bony

EMPLOYMENT DISCRIMINATION

- Denial of application
- Failure to hire or promote
- Disparate treatment
- Removal from or unreasonable change of duties
- Denial of use of appropriate bathroom
- Deliberate misuse of appropriate pronouns or new name
- Harassment by coworkers, supervisors, management, customers, or clients
- Wrongful termination

HOUSING DISCRIMINATION

- Refusal to rent or sell property
- Denial of application
- Harassment by neighbors, property managers, security personnel
- Forced to "prove" gender
- Lack of protection from landlord or manager against harassment from other tenants
- Wrongful eviction

PUBLIC ACCOMMODATIONS

- Refusal to serve
- Denial of bathroom use
- Forced to "prove" gender
- Unreasonable surveillance
- Harassment by employees and/or clients/customers
- Deliberate misuse of pronouns or name

FORMS OF REDRESS

CITY OF SAN FRANCISCO:

Human Rights Commission

- File, Mediate, or Investigate the complaint
- Issue a Finding of Discrimination
- City Contractors may lose funding

STATE OF CALIFORNIA:

Department of Fair Employment & Housing

- File a formal Complaint
- Issue Right to Sue letter - under "Gender Identity" protection after 1/1/2004
- Impose monetary sanctions

FEDERAL PROTECTION

- There is NO protection for transgender people under Federal anti-discrimination law...yet.

CURRENT PROJECTS

- Gender Identity Guidelines Revision
- Gender Identity Task Force
- SFPD Protocols and Trainings
- City Department Trainings
- Shelter Manager Trainings
- Other Trainings

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

*****CANCELED*****

Regular Meeting

Thursday, August 28, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

*****CANCELED*****

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

September 11, 2003

4:30 pm

City Hall, Room 416

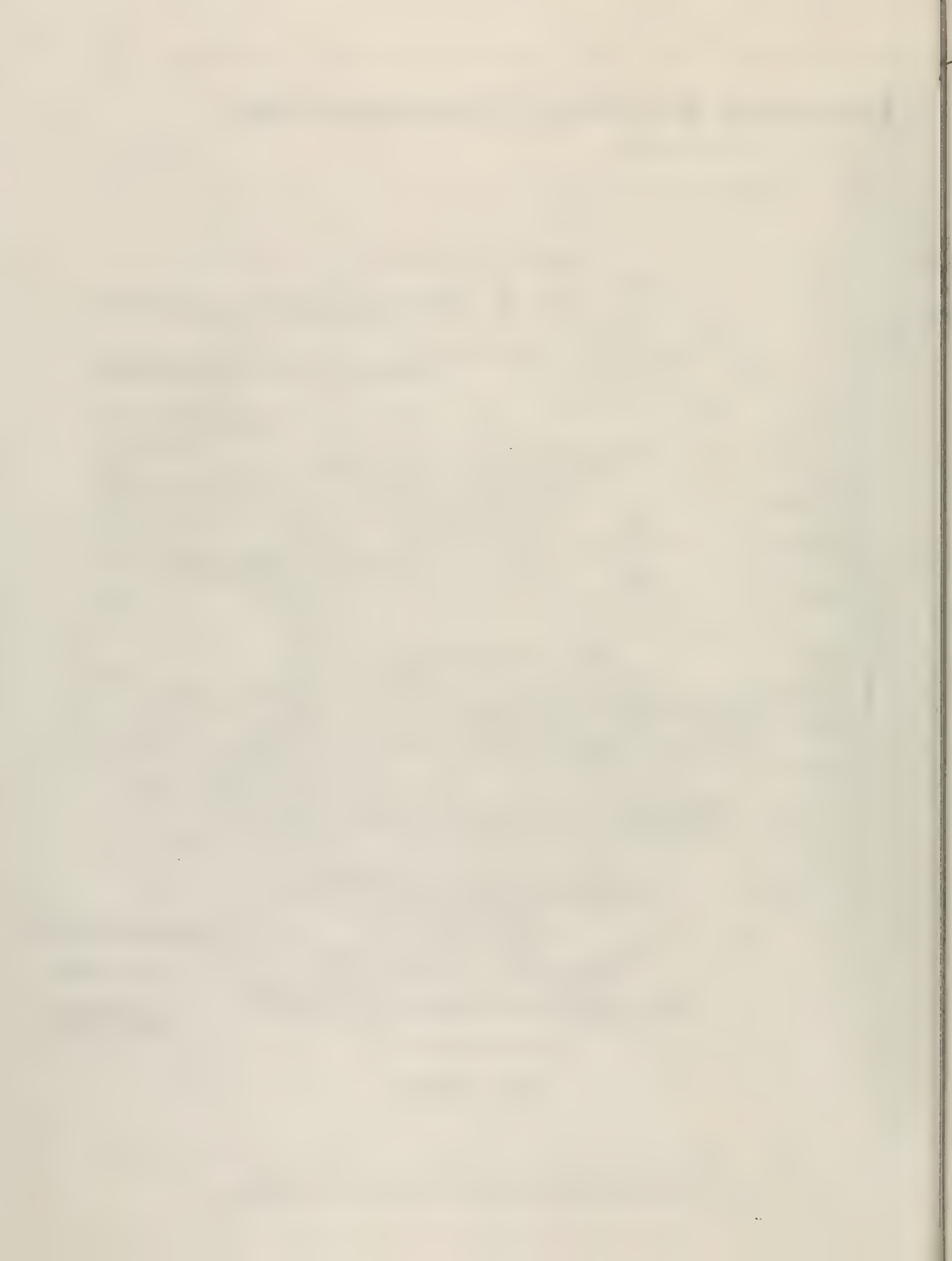
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.

JUN 26 2003

SAN FRANCISCO
PUBLIC LIBRARY

Toni A. Delgado
Commission Secretary



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

SEP - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, September 11, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: September 2003

September 04
Employment Committee Meeting
CANCELED

September 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 17
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 18
"How to Become a Certified Firm"
Workshop
10:00 - 12:00 pm
25 Van Ness Avenue, #800
Main Conference Room

September 18
Youth & Education Committee Meeting
4:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. APPROVAL OF MINUTES

- a. Approval of minutes of Commission Meeting of June 12, 2003
[☞Action Item *Attachment provided*]
- b. Approval of minutes of Commission Meeting of June 26, 2003
[☞Action Item *Attachment provided*]
- c. Approval of minutes of Commission Meeting of July 10, 2003
[☞Action Item *Attachment provided*]
- d. Approval of minutes of Commission Meeting of August 14, 2003
[☞Action Item *Attachment provided*]

5. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[☹Discussion Item *No Attachment*]

6. REPORT OF THE DIRECTOR

- a. HRC Response to Civil grand Jury Report of June 2003 (Tom/Truax/Villacarlos)
[☹Discussion Item *Attachment provided*]
- b. Presentation of Chapter 12.D.A. Waiver Report for August (Kanios/Fields)
[☹Discussion Item *Attachment to be provided at meeting*]

7. HRC DIVISION REPORT

Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division:

- a. Introduction to Intersexuality (Arana)
[☹Discussion Item *Attachment provided*]

8. ENVIRONMENTAL RACISM UPDATE (TOM)

- a. Update on Environmental Racism Workshop III: Protecting the Southeast Community from industrial dumping – August 20, 2003
[©Discussion Item *No Attachment*]
- b. Possible approval of letter to various agencies regarding water and sediment pollution in Yosemite Slough
[☞Action Item *Attachment provided*]
- c. Possible approval of letter to the Department of Public Health regarding the availability of health services in in Bayview/Hunter's Point
[☞Action Item *Attachment provided*]

9. COMMITTEE REPORTS

a. **Employment Committee**

Commissioner Larry Lee, Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

- i. Report of August 7, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)**

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

- i. Report of August 19, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

c. **Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee**

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of August 20, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

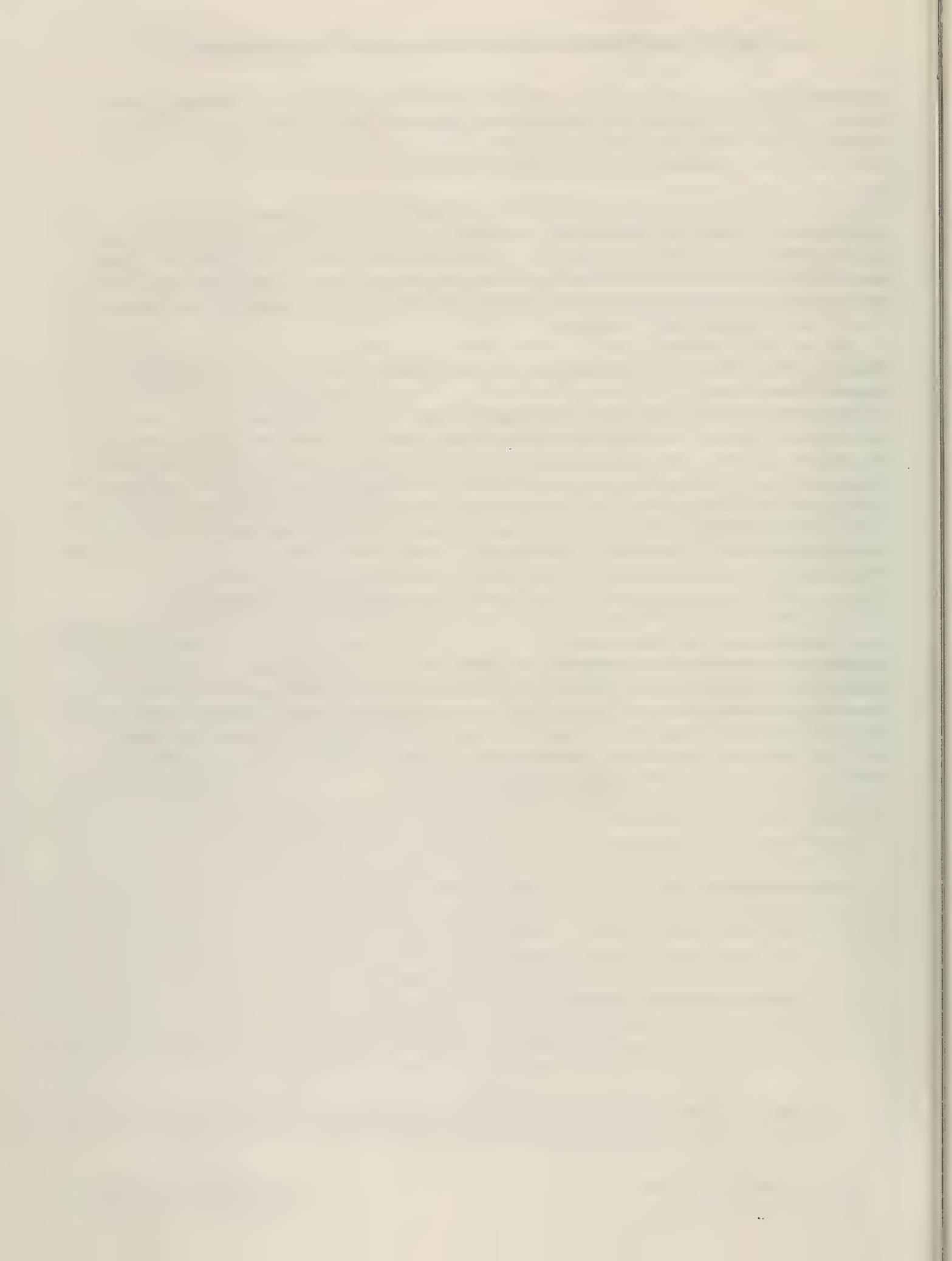
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code Sec. 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

August 26, 2003

ITEM 6.A.

09-11-03

Honorable Donna J. Hitchens
Presiding Judge
San Francisco Superior Court
400 MacAllister Street
San Francisco, California 94102

RE: Human Rights Commission's Response to the 2002-2003 Civil Grand Jury Report

Dear Judge Hitchens:

Pursuant to Penal Code Section 933 and 933.05, the Human Rights Commission (HRC) submits the following response to the findings and recommendations in the Civil Grand Jury Report entitled *The Human Rights Commission and the Minority Business Ordinance: Statistics But No Specifics to Support City Claim that it discriminates*.

FINDINGS

Finding 1: In passing the Ordinance, the Board has relied only on disparity studies (or other statistics) and anecdotal evidence to establish that the City has actively or passively discriminated against MBE/WBEs, and not on evidence of actual incidents of discrimination by the City.

Response: The HRC agrees that the Board of Supervisors has relied on disparity studies and anecdotal evidence of discrimination, but disagrees that it has not relied on evidence of actual incidents of discrimination by the City. The HRC incorporates by reference the response of the City Attorney as to the appropriate legal standards governing remedial contracting programs. As required by those legal standards, the HRC has conducted disparity studies, held public hearings, taken statements of incidents of discrimination by the City and has documented active and passive discrimination by City officials. (See Board of Supervisors Findings Supporting the Chapter 12D.A Ordinance attached hereto as Exhibit 1; the City Attorney's Response attached hereto as Exhibit 2; and Response of the Coalition of Economic Equity attached hereto as Exhibit 3.)

Finding 2: There exist no records or evidence of specific incidents of discrimination that identify wrongful conduct by the City. There exist no documents that describe discriminatory conduct by the City. There exist no documents describing what the City has done to remedy any supposed discriminatory conduct.

Response: The HRC disagrees with this finding. As noted in the Response to Finding #1, the HRC has compiled significant evidence of active and passive discrimination by the City.



In addition, as noted in the City Attorney's response to this finding, the HRC maintains thousands of documents showing how the HRC implements Chapter 12D.A to remedy the effects of discrimination in City contracting.

Finding 3: It is difficult to rectify wrongful conduct without knowing what that conduct is. HRC has not done so although discrimination in City contracting purportedly has occurred over and over, year after year, for 19 consecutive years.

Response: The HRC disagrees with this finding. The HRC has identified and documented discrimination in City contracting for many years consistent with the legal requirements for race and gender based remedial contracting programs. (See City Attorney's response to Civil Grand Jury Report which provides in pertinent part: "In fact, the Ninth Circuit Court of Appeals previously affirmed the validity of the City's prior MBE/WBE ordinance based on the same type of statistical and anecdotal evidence the Grand Jury suggests is inadequate." (See *Associated General Contractors of California, Inc. v. Coalition for Economic Equity* (9th Cir. 1991) 950 F.2d 1401, 1416-1418.))

Finding 4: Without documentation it cannot be determined whether the underutilization of MBE/WBE contractors reflected in the disparity studies is attributable to discrimination by the City, or rather is attributable to non-discriminatory causes such as lack of availability, lack of capacity, lack of funding, lack of interest, waiver, lack of insurability, or other causes.

Response: The HRC disagrees with this finding. The HRC has identified and documented discrimination in City contracting for many years consistent with the legal requirements for race and gender based remedial contracting programs. As noted in the City Attorney's response to this finding, the City's disparity analyses take into account non-discriminatory factors. Moreover, it is ironic to note that the City's recent studies of the Bay Area private sector have identified discrimination in the areas the Civil Grand Jury labels "non-discriminatory" in this finding. The National Economic Research Associates (NERA) found: 1) statistically significant disparities in the formation rates of minority and women owned businesses as compared to businesses owned by Caucasian men; 2) statistically significant disparities in the earnings of self-employed minorities and women compared to the earnings of self-employed Caucasian men; and 3) discrimination against minorities and women in the credit markets in all industries. (See Board of Supervisors Findings Supporting the Chapter 12D.A Ordinance attached hereto as Exhibit 1)

Finding 5: Although the courts accept disparity studies to support an inference of discrimination, without identifying and discovering the cause of the actual instances of discrimination purported to occur by the City, the problem will not be solved.

Response: The HRC disagrees with this finding. The Grand Jury misunderstands the legal standards governing remedial contracting programs. Courts do not require public entities to prove actual incidents of discrimination to justify a race- and gender-based remedial contracting program. Rather, courts recognize that statistically significant under-utilization of minorities and women -- particularly when bolstered by anecdotal evidence -- provides compelling evidence of discrimination that justifies a narrowly-tailored race- and gender- based contracting program. (See City Attorney's Response attached hereto as Exhibit 2) The City and the HRC has identified and discovered actual instances of discrimination. (See Board of Supervisors Findings Supporting the

Chapter 12D.A Ordinance attached hereto as Exhibit 1) The disparity analysis shows continued statistically significant disparities in the utilization of minority and women-owned businesses on City projects. However, the data also shows significant improvement in some contracting areas, which is attributed to the implementation and enforcement of Chapter 12D.A.

Finding 6: The HRC's explanation for the lack of any records of instances of discrimination by the City – that it successfully resolves discrimination through conference and conciliation – is inconsistent with the assertion that the City continues to discriminate. If the HRC is able to prevent discriminatory conduct from adversely affecting MBEs/WBEs, then it is natural that there would be no records of discriminatory conduct by City officials. If, however, the HRC believes that discrimination persists, then its failure to record instances of discrimination is less understandable.

Response: The HRC disagrees with this finding. As noted above, the HRC has documented both active and passive discrimination in City contracting. Moreover, Chapter 12D.A obligates HRC to intervene and correct discriminatory contracting practices in the manner the Civil Grand Jury describes in this finding. (See, e.g., Chapter 12D.A.12.(C), 12.D.A.13 (C)) See also Chapter 12D.A.16.(E) which provides: "The Director shall attempt to resolve any [departmental] noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director shall transmit a copy of the finding of noncompliance along with a finding that conciliation was attempted and failed to the Commission and this Board."

The Civil Grand Jury acknowledges that the HRC resolves departmental discrimination through conference and conciliation, and has verified that this occurs through discussions with City department heads. To conclude that the program is unnecessary, because HRC intervenes to correct some discriminatory practices, does not make sense particularly in light of the evidence of discrimination compiled by the City in support of the need for Chapter 12D.A.

Finding 7: If utilization of MBE and WBE contractors is so low (for example, 22% of the goals set by the HRC), a discriminatory cause should be easy to discern and substantiate if one exists.

Response: HRC disagrees with this finding. As noted above and in the City Attorney's response to the Civil Grand Jury report, HRC has documented both active and passive discrimination by the City.

RECOMMENDATIONS

Recommendation 1a: The HRC should comply with its duties and obligations under Sections 12.A.11 and 12.D.A.8 of the San Francisco Administrative Code to include in its quarterly reports actual instances of discrimination by City agencies, boards or officers, whether the discrimination is active or passive.

Response: The Civil Grand Jury, as noted in the City Attorney's Response, is mistaken about the reporting requirements cited in Recommendation 1a.

HRC's quarterly reporting requirements are contained in 12D.A.18, not in 12D.A.8 as the Civil Grand Jury mistakenly cites. Chapter 12D.A.18 requires the quarterly report to identify each department's level of performance under this Ordinance and its progress towards meeting the Mayor's MBE/WBE goals. That provision does not require HRC to identify actual instances of discrimination by City agencies, boards or officers. HRC complies with its reporting requirements under Chapter 12D.A.18.

Recommendation 1b. If the HRC can produce no record or evidence of actual specific instances of discrimination by the City (that is, evidence other than statistical studies), the Board of Supervisors should reconsider the basis of the Ordinance and consider alternatives such as a local disadvantaged business enterprise program.

Response: HRC disagrees with this recommendation. As noted above and in the City Attorney's response to this Civil Grand Jury report, the City has compiled substantial evidence of both active and passive discrimination against particular minority and woman-owned businesses. Moreover, as the findings and the evidence supporting the Ordinance reflect, the City has taken significant efforts to attempt to remedy the systemic discrimination in City contracting against minorities and women, including a variety of race- and gender-neutral measures. Furthermore, the San Francisco Human Rights Commission maintains thousands of records reflecting how it implements Chapter 12D.A to remedy the effects of the discrimination in City contracting.

Recommendation 1c. At the end of every contract awarded under its oversight, the HRC should record data relevant to the MBE/WBE goals established for that contract. Such data should include at least the following:

- 1) the MBE/WBE goals set for the contract;
- 2) the goals actually achieved;
- 3) if the goals were not fully achieved, the factors which were responsible for the lack of achievement; and
- 4) if the failure to achieve the goals was at all due to the conduct of the department head, project manager, or any other City employee, or any contractor employed by the City, an identification of the person involved, a description of the conduct at issue, the remedial steps taken, and the impact of such conduct upon MBE/WBE participation, or the goals set for such participation.

Response: The HRC already complies with this recommendation. The Civil Grand Jury acknowledges (pg. 12) that the HRC already tracks said data: "At the completion of the contract, the HRC requires the general contractor to submit a sworn affidavit stating that it employed and paid the MBE/WBE subcontractors, who also must sign a document saying they were employed and paid properly under the contract. The HRC also prepares an exit report to reconcile the proposed MBE/WBE utilization in the bid documents with the actual MBE/WBE utilization and payment during contract performance."

Additionally, the City's Diversity Tracking System (DTS) is utilized to monitor a contract's progress via financial summary reports, which show the "real-time" level of MBE/WBE participation throughout the course of the contract.

Recommendation 1d. The City should establish a software program in which the data recorded under Recommendation 1c may be stored and retrieved for statistical and reporting purposes.

Response: HRC already complies with this recommendation. As noted above, the City already utilizes an electronic database to track the City's contracting activities. The City's DTS was established in March of 1999 for the primary purpose of electronically tracking minority and women participation in City contracting. The DTS works in conjunction with the City's Purchasing Department's Advanced Purchasing Inventory Control System (ADPICS), which provides vendor information, and the City Controller's Financial Assets Management and Information System (FAMIS), which provides payment information. The DTS provides city-wide "real-time" financial information on the contract and MBE/WBE (as well as non-MBE/WBE) participation both at the prime and subcontracting levels.

FINDINGS

Finding 1. The HRC lacks personnel and resources to monitor post-award compliance adequately. It primarily relies on the closing affidavit, which provides data on the contractor's employment and payment of MBEs/WBEs during the performance of the contract.

Response: The HRC disagrees with this finding in part. Given our limited resources, HRC implements Chapter 12D.A as effectively as possible. In addition, HRC relies on various mechanisms to monitor post award compliance, including but not limited to:

- Constant Contact with the Project Managers, City Personnel, Prime Contractors/Consultants, Sub Contractors/Consultants
- HRC Forms Submitted with Progress Payments
- Site Visits
- Workforce Tracking Forms
- DTS

Finding 2. The HRC has an inherent conflict of interest between its role as advocate and its role as enforcer of post-award compliance.

Response: HRC disagrees with this finding. HRC staff is obligated to advocate for the Chapter 12D.A Ordinance, not for specific MBEs/WBEs. In order to avoid even the appearance of impropriety, a system of firewalls and independence has been established to ensure that no conflict exists between HRC's certification of MBEs/WBEs and its contract compliance activities.

Finding 3: The Office of the Controller would have a conflict of interest if all enforcement responsibilities were transferred to it because it would be required to review part of its own work in making these compliance audits.

Response: This finding does not address HRC.

Finding 4: The Office of Contract Administration already has personnel and procedures sufficient to expand its responsibilities to include monitoring and enforcement of contractor compliance with the Ordinance. Its agents already visit sites to inspect records and working conditions, so it would be relatively easy for them to ensure that any MBE/WBE subcontractors listed in the bid are the ones in fact doing the work on the site.

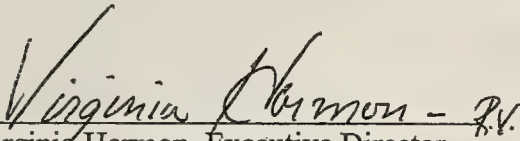
Response: The HRC disagrees with this finding. The Charter identifies HRC as the agency responsible for handling discrimination issues in City contracting. The Office of Contract Administration (OCA) does not have additional resources or any expertise in matters of discrimination.

RECOMMENDATION

Recommendation 2. All HRC functions related to post-award contract compliance should be transferred to the Office of Contract Administration.

Response: HRC disagrees with this recommendation. As noted above, the OCA does not have additional resources or any expertise in addressing discrimination issues.

Respectfully Submitted,


Virginia Harmon, Executive Director
Human Right Commission

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4748
August 22, 2003

Hon. Donna J. Hitchens
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, California 94102

RE: City Attorney's Response to 2002-2003 Civil Grand Jury Reports

Dear Judge Hitchens:

Under Penal Code Sections 933 and 933.05, the Office of the City Attorney submits the following response to the 2002-2003 Civil Grand Jury Reports. The Grand Jury requested that this office respond to Part I of the report entitled *The Human Rights Commission and the Minority Business Ordinance: Statistics But No Specifics to Support City Claim that it Discriminates*.

Many portions of the report for which the Grand Jury has requested our response relate to matters of departmental practice or policy, and do not raise legal issues. It is not the role of the City Attorney to comment on the policies of other departments unless the policy raises legal issues. Moreover, the City Attorney has no control over the implementation of Grand Jury recommendations directed to other City departments. This response addresses only legal issues.

FINDINGS

Finding I: "In passing the Ordinance, the Board has relied only on disparity studies (or other statistics) and anecdotal evidence to establish that the City has actively or passively discriminated against MBE/WBEs, and not on evidence of actual incidents of discrimination by the City."

Response : The City Attorney agrees that the Board relied on disparity studies or other statistics and anecdotal evidence in passing the Ordinance, but disagrees that this evidence does not include "evidence of actual incidents of discrimination by the City."

More fundamentally, however, the Grand Jury misunderstands the legal standards governing remedial contracting programs. Courts do not require public entities to prove actual incidents of discrimination to justify a race- and gender-based remedial contracting program as the Grand Jury suggests. Rather, courts recognize that statistically significant under-utilization of minorities and women – particularly when bolstered by anecdotal evidence – provides compelling evidence of discrimination that justifies a narrowly tailored race- and gender-based contracting program. (See *City of Richmond v. J.A. Croson* (1989) 488 U.S. 469, 492-494 (plurality); *Coral Construction, Co. v. King County* (9th Cir. 1991) 941 F.2d 910, 919.) Even

Letter to Hon. Donna J. Hitchens

Page 2

August 22, 2003

statistical evidence of discrimination against minorities and women contractors in the local private market can justify the re-enactment of a public entity's remedial contracting program. (See *Concrete Works of Colorado, Inc. v. City and County of Denver* (10th Cir. 2003) 321 F.3d 950.) In fact, the Ninth Circuit Court of Appeals previously affirmed the validity of the City's prior MBE/WBE Ordinance based on the same type of statistical and anecdotal evidence the Grand Jury suggests is inadequate. (See *Associated General Contractors of California, Inc. v. Coalition for Economic Equity* (9th Cir. 1991) 950 F.2d 1401, 1416-1418.)

Finding 2: "There exist no records or evidence of specific incidents of discrimination that identify wrongful conduct by the City. There exist no documents that describe discriminatory conduct by the City. There exist no documents describing what the City has done to remedy any supposed discriminatory conduct."

Response: The City Attorney disagrees with this finding. The City compiled substantial anecdotal evidence of discrimination against particular minority- and woman-owned businesses. Moreover, as the findings and the evidence supporting the Ordinance reflect, the City has taken significant efforts to attempt to remedy the systemic discrimination in City contracting against minorities and women, including a variety of race- and gender-neutral measures. Further, the San Francisco Human Rights Commission maintains thousands of records reflecting how it implements the Ordinance to remedy the effects of the discrimination in City contracting.

The City Attorney also incorporates in this response its discussion of the legal standards governing remedial contracting programs set forth in response to Finding 1, above.

Finding 3: "It is difficult to rectify wrongful conduct without knowing what that conduct is. HRC has not done so although discrimination in City contracting purportedly has occurred over and over, year after year, for 19 consecutive years."

Response: This finding concerns a matter of policy for other City departments. Accordingly, the City Attorney does not comment.

Finding 4: "Without documentation it cannot be determined whether the underutilization of MBE/WBE contractors reflected in the disparity studies is attributable to discrimination by the City, or rather is attributable to non-discriminatory causes such as lack of availability, lack of funding, lack of interest, waiver, lack of insurability, or other causes."

Response: The City Attorney disagrees with this finding. The City's disparity studies control for the types of non-discriminatory factors the Grand Jury cites. Even after controlling for these factors, the disparity studies show under-utilization of minorities and women in City contracting.

The City Attorney also incorporates in this response its discussion of the legal standards governing remedial contracting programs set forth in response to Finding 1, above.

Letter to Hon. Donna J. Hitchens

Page 3

August 22, 2003

Finding 5: "Although the courts accept disparity studies to support an inference of discrimination, without identifying and discovering the cause of the actual instances of discrimination purported to occur by the City, the problem will not be solved."

Response: This finding concerns a matter of policy for other City departments. Accordingly, the City Attorney does not comment.

Finding 6: "The HRC's explanation for the lack of any records of instances of discrimination by the City – that it successfully resolves discrimination through conference and conciliation – is inconsistent with the assertion that the City continues to discriminate. If the HRC is able to prevent discriminatory conduct from adversely affecting MBEs/WBEs, then it is natural that there would be no records or discriminatory conduct by City officials. If, however, the HRC believes that discrimination persists, then its failure to record instances of discrimination is less understandable."

Response: The City Attorney disagrees with this finding. As explained above, the substantial evidence of discrimination against minorities and women owned businesses provides adequate justification for the City's narrowly tailored remedial contracting program.

Finding 7: "If utilization of MBE and WBE contractors is so low (for example, 22% of the goals set by the HRC), a discriminatory cause should be easy to discern and substantiate if one exists."

Response: This finding concerns a matter of policy for other City departments. Accordingly, the City Attorney does not comment.

RECOMMENDATIONS

Recommendation 1a: "The HRC should comply with its duties and obligations under Sections 12.A.11 and 12.D.A.8 of the San Francisco Administrative Code to include in its quarterly reports actual instances of discrimination by City agencies, boards or officers, whether the discrimination is active or passive."

Response: This recommendation concerns a matter of policy for another City department. Accordingly, the City Attorney does not have authority over the implementation of this recommendation.

The City Attorney notes, however, that the Civil Grand Jury is mistaken about the reporting requirements cited in this recommendation. Neither San Francisco Administrative Code Section 12.A.11 nor San Francisco Administrative Code Section 12D.A.8 require the Human Rights Commission to make quarterly reports of "actual instances of discrimination by City agencies, boards or officers."

Letter to Hon. Donna J. Hitchens

Page 4

August 22, 2003

San Francisco Administrative Code Section 12A.11 was adopted in 1964 as part of the original legislation that established the Human Rights Commission. Chapter 12A addresses "all discriminatory practices and ... resulting intergroup tensions," in San Francisco, including discrimination by city agencies, (See Section 12A.3.¹ Chapter 12A is not part of the MBE/WBE/LBE Ordinance, which was enacted twenty years after Chapter 12A and is codified in Chapter 12D.A. Although a person might file a complaint for discriminatory contracting practices under 12A, the quarterly reports required by 12A are not case histories of contracting violations of the MBE/WBE/LBE Ordinance. The monitoring and compliance provisions applicable to the MBE/WBE/LBE Ordinance are found in Section 12DA.16 of Chapter 12D.A.

Similarly, Chapter 12D.A.8 requires the Mayor to issue an annual report to departments to set the year's City-wide MBE/WBE participation goals and contract data reporting requirements.² Chapter 12D.A.8 does not create any reporting obligations for the Human Rights Commission.

Recommendation 1b: "If the HRC can produce no record or evidence of actual specific instances of discrimination by the City (that is, evidence other than statistical studies), the Board

¹ San Francisco Administrative Code Section 12A.11 requires the Human Rights Commission to:

- "render a written report of its activities to the Mayor and to the Board of Supervisors not less than once every three months. Such reports shall include:
- (a) Case histories of conciliation settlements made under this ordinance, the disclosure of which, in the judgment of the Commission, will further the objectives of this ordinance, but such reports of case histories shall not include names or other facts which might clearly identify the parties involved, without the prior consent of the parties first obtained.
 - (b) Recommendations to the Mayor and the Board of Supervisors for the development of policies and procedures which will further the objectives of this ordinance.
 - (c) Recommendations to the Mayor and the Board of Supervisors for additional legislation deemed by the Commission to be necessary to carry out the purposes of this ordinance.
 - (d) Instances of discrimination by any agency, board or officer of this City and County which the Commission determines to have occurred subsequent to the issuance of its prior report.
 - (e) Recommendations of actions to be taken by any agency, board or officer of this City and County for the purposes of furthering the objectives of this ordinance."

² SEC. 12D.A.8. POWERS AND DUTIES OF THE MAYOR.

In addition to the duties given to the Mayor elsewhere, the Mayor shall:

1. By July 1st of each fiscal year, issue notices to all City departments informing them of their duties under this ordinance. The notice shall contain the following information: (1) the City-wide MBE/WBE participation goals that departments are expected to use good-faith efforts to attain during the fiscal year and that a department's failure to use good-faith efforts to attain the MBE/WBE participation goals shall be reported to this Board in the Commission's annual report; and (2) the data each department is required to provide the Controller on each contract award;
2. Coordinate and enforce cooperation and compliance by all departments with this ordinance.

Letter to Hon. Donna J. Hitchens

Page 5

August 22, 2003

of Supervisors should reconsider the basis of the Ordinance and consider alternatives such as a local disadvantaged business enterprise program."

Response: This recommendation concerns a matter of policy for another City department. Accordingly, the City Attorney does not have authority over the implementation of this recommendation. This recommendation concerns a matter of policy for another City department. Accordingly, the City Attorney does not have authority over the implementation of this recommendation.

Recommendation 1c: "At the end of every contract awarded under its oversight, the HRC should record data relevant to the MBE/WBE goals established for that contract. Such data should include at least the following:

- 1) the MBE/WBE goals set for the contract;
- 2) the goals actually achieved;
- 3) if the goals were not fully achieved, the factors which were responsible for the lack of achievement; and
- 4) if the failure to achieve the goals was at all due to the conduct of the department head, project manager, or any other City employee, or any contractor employed by the City, an identification of the person involved, a description of the conduct at issue, the remedial steps taken, and the impact of such conduct upon MBE/WBE participation, or the goals set for such participation."

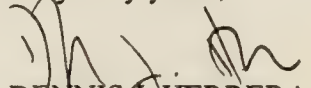
Response: This recommendation concerns a matter of policy for another City department. Accordingly, the City Attorney does not have authority over the implementation of this recommendation.

Recommendation 1d: "The City should establish a software program in which the data recorded under Recommendations 1c may be stored and retrieved for statistical and reporting purposes."

Response: This recommendation concerns a matter of policy for another City department. Accordingly, the City Attorney does not have authority over the implementation of this recommendation.

Please do not hesitate to contact this office if you have any questions concerning the City Attorney's response to the 2002-2003 Civil Grand Jury Reports.

Very truly yours,


DENNIS J. HERRERA
City Attorney

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Letter to Hon. Donna J. Hitchens

Page 6

August 25, 2003

cc: Nancy Alfaro, Office of the County Clerk
Gary Giubbini, Civil Grand Jury
Gloria Young, Board of Supervisors



COALITION FOR ECONOMIC EQUITY

818 - 47th Avenue • San Francisco, CA 94121

Phone: (415) 752-4506 • FAX: (415) 752-4509

Chair
Aileen C. Hernández

Secretary-Treasurer
Samuel Kwong

Legal Counsel
Oren Sellstrom

August 8, 2003

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Response To Civil Grand Jury Report On
MBE/WBE/LBE Ordinance

Dear Supervisors:

The Coalition for Economic Equity urges the City to respond forcefully to the misguided, inaccurate Civil Grand Jury Report recently issued concerning the City's MBE/WBE/LBE program.

The Coalition for Economic Equity is an umbrella organization of numerous business groups representing the interests of minority- and women-owned businesses (MBEs and WBEs). The Coalition was instrumental in securing passage of the City's MBE/WBE/LBE contracting ordinance in 1984, and has worked to implement, strengthen, and defend the law since that time. Most recently, we worked with Supervisor Ma and other Board members on the re-authorization of the ordinance this spring.

We understand that the Board, the City Attorney, and the Human Rights Commission are all required to respond to the Grand Jury report in 60-90 days from the June 26, 2003 release date. From the perspective of the MBE/WBE/LBE community, we hope that the following points will be included in the City's responses:

I. The Report Lacks Perspective.

As with many attacks on affirmative action, the Grand Jury Report largely divorces the City's current MBE/WBE/LBE program from its historical context. By adopting this narrow perspective, the report ignores the critical fact that

03 AUG 12 AM 11:20
HUMAN RIGHTS
COMMISSION

discriminatory contracting systems that have been built up over many years cannot be broken down overnight.

When the Coalition was first formed in the early 1980's, the contracting process in the City was almost entirely done behind closed doors, hidden from public scrutiny. The result was that the "old boys" network garnered the vast majority of all public contracts. The first year that data was compiled revealed that less than 3% of all the City's contracting dollars went to all MBEs and WBEs *combined*.

The MBE/WBE/LBE ordinance has helped bring the contracting process into the light of day and increased opportunities for MBEs and WBEs. Yet in many respects we are not so far removed from where we were twenty years ago. MBEs and WBEs are still under-utilized, as compared to their availability to do the type of work required by the City. Entrenched "old boy" networks still operate in the City, and both departments and prime contractors still routinely try to skirt the requirements of the ordinance so that they can continue with "business as usual." Whatever progress that is attributable to the City's MBE/WBE/LBE program would surely evaporate if the program were not in place.

In short, the narrow perspective adopted by the Grand Jury Report overlooks the entrenched nature of the City's problem and thus obscures why the City's affirmative action program is so necessary to ensure equal opportunity for MBEs and WBEs.

II. The Report Wrongly Focuses On "Smoking Gun" Evidence Of Discrimination.

In a similar way, the Grand Jury's narrow focus on finding "smoking gun" evidence of discrimination is misplaced. The Report's search for such evidence – and criticism of the City for not finding it – reflects a profound misunderstanding both of how discrimination actually works and how it is treated by the courts.

Overtly racist and sexist conduct may be less prevalent today than in years past, but unfortunately that does not mean that discriminatory attitudes have vanished. To the contrary, sociological studies continue to demonstrate the powerful effects of stereotyping and discrimination, even when such attitudes are not expressed overtly. Our MBE/WBE members confirm that they confront subtle discriminatory attitudes every day, and that they are often frozen out of the contracting process as a result.

Similarly, from a legal perspective, courts have consistently held that discrimination need not be proven based on "smoking gun" evidence. Rather, the law recognizes that under-utilization of MBEs and WBEs is a tell-tale sign of discrimination at work, especially when coupled with anecdotal evidence of discrimination and exclusion. This is precisely the type of evidence that the City has compiled over the years.

Ironically, what the Grand Jury appeared to be looking for – a handful of blatant instances of discrimination – would itself be an insufficient factual predicate for an affirmative action program. The evidence that the City has gathered over the years is much more compelling: a combination of anecdotal and statistical evidence showing how MBEs and WBEs are systematically excluded from equal contracting opportunity.

III. The Report Is Riddled With Other Assorted Errors.

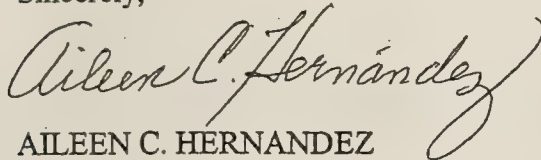
The Grand Jury Report contains many other errors, both major and minor. A few additional points that bear mention include:

- the Report states that the Grand Jurors were unable to determine whether the City's under-utilization of MBEs and WBEs is attributable to discrimination "rather than to independent forces such as lack of availability or capability of MBE/WBE contractors" (p.2). This reflects a complete misunderstanding of disparity studies, since the entire purpose of such studies is to control for these types of non-discriminatory factors. The City's persistent under-utilization of MBEs and WBEs cannot be explained away by the claim that MBEs and WBEs are not qualified to do the work.
- The Report implicitly endorses a "disadvantaged business" program, claiming that such a program would "assist the same group of businesses" as the City's current MBE/WBE/LBE program (p.2, footnote 3). In fact, numerous studies – as well as the experience of many cities and counties in California – have shown that economic disadvantage is a poor proxy for race and gender. Disadvantaged business programs do not "assist the same group of businesses" and are not effective at combating under-utilization of MBEs and WBEs. More importantly, while such programs may address problems that arise for small businesses generally, they do not address the particular problems of discrimination faced by MBEs and WBEs.

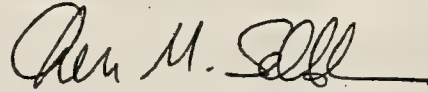
IV. Conclusion

It is unfortunate that the Grand Jury has taken upon itself to release a report that is so fundamentally flawed. We hope and expect that the City's responses to the report will set the record straight and re-confirm the City's commitment to the MBE/WBE/LBE program.

Sincerely,



AILEEN C. HERNANDEZ
Chair



OREN M. SELLSTROM
Legal Counsel

cc: Dennis Herrera, City Attorney
Willie L. Brown, Mayor
Virginia Harmon, Human Rights Commission



History of HRC Involvement with Intersex Issues

For some time, intersex people have brought the issue of unnecessary surgeries and treatments that are performed on intersex individuals in San Francisco and across the nation to the attention of the San Francisco Human Rights Commission. Acting upon this information, the LGBTH Division created an intersex project. In the spring of 2003, the Commissions' LGBT Advisory Committee (LGBTAC) designated a Task Force to look into intersex issues.

Preliminary Findings

Intersexuality is quite common. One in every 100-150 children has non-standard sex anatomy or conditions. One in every 1,000-1,500 infants is born with genitalia where professionals are unable to determine the sex of the infant just by looking.

Intersex people have distinguished and classified intersexuality as a *condition*, not a problem.

There is little or no conclusive research documenting long-term successful outcomes of intersex infant surgeries.

There is a growing body of medical information, psychological research and anecdotal testimony from intersex people that these unwanted "normalizing" surgeries and treatments are unnecessary and harmful.

Unwanted surgeries and treatments to "normalize" intersex bodies may include, but are not limited to, various possible side effects:

- Loss of genital sensation
- Incontinence
- Loss of fertility
- Difficulty with physical intimacy resulting from touching of genitals being painful
- Shame from having to explain to an intimate partner why genitals feel and look different than what is expected
- Distrust of parents resulting from parental concealment of intersex surgery/ies and conditions(s) per medical recommendations
- Pain and trauma of ongoing vaginal dilation
- Shame and trauma resulting from genital display in medical institutions
- Feelings of powerlessness, loss, grief, and confusion
- Experience of mild and/or major depression
- Suicidal thoughts and attempts

For more information on intersexuality please visit the Intersex Society of North America (ISNA) website: www.isna.org



Notes on the Treatment of Intersex

Prepared by Alice Dreger, Michigan State University (dreger@msu.edu)

Key points of comparison	Older paradigm of treatment (CONCEALMENT-CENTERED)	Reform paradigm of treatment (PATIENT-CENTERED MODEL)
Who are the proponents of each paradigm?	John Money, most pediatric urologist and pediatric endocrinologists, many gynecologists (including the physicians Patricia Donohoe, Kenneth Glassberg, etc.)	Intersex activists (including Cheryl Chase), most involved ethicists (including Alice Dreger, Edmund Howe, Robert Crouch), a few physicians (including Bruce Wilson, William Reiner, Justine Schober)
What is intersex?	Intersex is an anatomical abnormality which is highly likely to lead to great distress in the family and great distress for the intersexed person. Intersex is pathological and requires medical attention.	Intersex is an anatomical variation from the "standard" male and female types; just as skin and hair color varies along a wide spectrum, so does sexual anatomy.
Is gender determined by nature or nurture?	Nurture. Virtually any child can be made into a "boy" or a "girl" if you just make the genitals look convincing. It doesn't matter what the genes, brain, pre-natal life are/were like.	Both, surely, but that isn't the point! The point is that intersexed people ought to be treated with the same basic ethical principles as everyone else - respect for their autonomy and self-determination, truth about their bodies and their lives, etc. Physicians and researchers should stop using intersex in "nature/nurture" experiments.
Are intersexed genitals a medical problem?	Yes. Untreated intersex is highly likely to result in depression, suicide, and possibly "homosexual" orientation. Intersexed genitals must be normalized if these problems are to be avoided. (Note: There is no solid evidence for this position, and there is evidence to the contrary.)	No. Intersexed genitals are not a medical problem. They may signal an underlying metabolic concern, but they themselves are not diseased; they just look different. Metabolic (medical) should be treated medically, but intersexed genitals are not in need of medical treatment.
What should be the medical response?	The correct treatment for intersex is to "normalize" the abnormal genitals using cosmetic surgical technologies, cosmetic hormone technologies, and so on. Doing so will eliminate the potential for parents' psychological distress.	The whole family should receive psychological support (including referrals to peer support groups) and as much information as they can handle. True medical problems (like urinary infections) should be treated medically, but all non-essential treatments should wait until the person with an intersex condition can consent to them.
When should cosmetic "normalizing" treatments be done?	As soon as possible. The longer you wait, the greater the trauma.	Only if and when the intersexed person requests them, and then only after she or he has been fully informed of the risks and likely outcomes. These surgeries carry substantial risk to life, fertility, continence, and sensation. People with intersex conditions should be able to talk to others who have had the treatments to get their views.

Key points of comparison	Older paradigm of treatment (CONCEALMENT-CENTERED)	Reform paradigm of treatment (PATIENT-CENTERED MODEL)
Why should intersex be treated this way (the way your side advocates)?	Because our society can't handle genital ambiguity or non-standard variation. If we don't fix the genitals, the intersexed child will be ostracized, ridiculed, rejected, and so on.	Because the intersexed person has the right to self determination where his/her genitals are concerned. Doing surgeries early interferes with that right; many surgeries and hormone treatments are not reversible. In addition, the risk from cosmetic treatments are substantial (risk to sensation, continence, fertility, risk of pain, scarring, etc.) and, given that the goal is cosmetic, these risks should only be taken if the patient him/herself has consented.
Who should counsel the parents when an intersexed child is born?	The surgeons, endocrinologists, and maybe a genetic counselor. The parents need to be told that their child does have a sex (male or female), but that we haven't figured it out yet. We will "figure it out" (in reality the doctors will <i>decide</i> what sex they will assign) and advise you as soon as possible.	A trained psychologist (including one with the grief process common to parents facing traumatic surprises in newborns) and peer support groups. In addition, we should make information about intersex as widely known as possible so that all expectant parents will have heard of intersex, just as they have heard of a cleft palate. Parents, intersexed people, and the public need to be provided with non-pathologizing images of intersexed people/
How do you decide what gender to assign to an intersexed newborn?	The doctors decide. They do genetic and other tests immediately. If the child has a Y chromosome and an adequate penis (or "reconstructable") penis in the eyes of the doctors, the child will be assigned a male gender. If the child has no Y chromosome, it will be assigned the female gender. The genitals will be surgically altered to look what the doctors think female genitals look like. This will include clitoral reduction, construction of a "vagina" (a hole), and so on.	The doctors in consultation with the family decide. They do genetic and other tests immediately. Then given what is known about the child in question and about the aggregate histories of intersexed people with various conditions, they will assign the gender most likely to be accepted by the family and child. The child is assigned a male or female gender. The doctors and parents recognize, however, that this gender assignment (like ALL gender assignments) is preliminary. The child may decide to later change it. That is why medically unnecessary surgeries should not be done without the child's consent; the child may want the flesh later to construct genitals different than the ones the doctors would have chosen.

Key points of comparison	Older paradigm of treatment (CONCEALMENT-CENTERED)	Reform paradigm of treatment (PATIENT-CENTERED MODEL)
What should the intersexed person be told when s/he is old enough to understand?	Very little, because telling all we know will just lead to gender confusion that all these surgeries were meant to avoid. Withhold information and records if necessary; use euphemisms (like "we removed your twisted ovaries" instead of "we removed your testes" when speaking to a woman with AIS).	Everything we know. The intersexed person has the right and responsibility to know as much about her/his condition as her/his doctor does.
What's wrong with the opposing paradigm?	Parents might be uncomfortable with a child with ambiguous genitalia. The intersexed person might later wish that her/his parents had chosen to have her/his genitals "normalized".	The autonomy and right to self determination of the intersexed person is violated by the surgery-centered older model. In the older model, surgeries are done without truly obtaining consent; parents are not told the failure rate of, lack of evidentiary support for, and alternatives to the surgery approach. Children assigned "male" and those assigned "female" are treated according to sexist asymmetrical lines in the older model. Lying to or deceiving patients and parents is wrong, even if done with beneficent intentions.
What is the ideal future of intersex?	Elimination via improved scientific and medical technologies.	Social acceptance and the recognition that sexual categories are socially constructed.

Further reading: See the website of the Intersex Society of North America: <http://www.isna.org>

Dreger, Alice. 1998. When Medicine Goes Too Far in the Pursuit of Normality. *New York Times*, 28 July, Science Times. Available from <http://www.nytimes.com/library/national/science/072898sci-essay.html>.

Dreger, Alice. 1998. Special issue on intersexuality. *Journal of Clinical Ethics* 9 (4).

Dreger, Alice. 1999. *Intersex in the Age of Ethics*. Hagerstown Maryland: University Publishing Group.

Dreger, Alice Domurat. 1998. "Ambiguous Sex"—or Ambivalent Medicine? Ethical Issues in the Medical Treatment of Intersexuality. *Hastings Center Report* 28 (3):24-35.
<http://www.isna.org/dregerart>.



Willie Lewis Brown, Jr.
Mayor

Virginia M. Harmon
Executive Director

ITEM 8.B.

09-11-03

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DRAFT

September 11, 2003

Environmental Protection Agency
United States Navy
California Department of Parks and Recreation
California Department of Toxic Substances Control (DTSC)
San Francisco Public Utilities Commission
San Francisco Department of Public Health
San Francisco Port Commission

Re: Yosemite Slough

Dear <insert addressee>:

On Wednesday, June 25th, 2003, the San Francisco Human Rights Commission co-sponsored a Health Workshop at the City's Southeast Health Center. This workshop was the second in a series that the Commission is holding on the issue of environmental racism and related issues in the City's Bayview/Hunter's Point neighborhood. Other co-sponsors include San Francisco's Department of the Environment as well the offices of Supervisor Sophie Maxwell and Assemblyman Mark Leno.

The primary goal of this workshop was to address the fact that Bayview/Hunter's Point has among the highest rates of breast and cervical cancer, asthma, and respiratory illnesses in California. The community lives in a highly impacted environment with many environmental hazards and the HRC hopes to help give residents a voice in the administration and regulation of these activities.

At the workshop, one of the specific issues brought to the Commission's attention concerned water and sediment pollution in Yosemite Slough, including raw sewage discharge as well as contamination from Parcel E of the Naval Shipyard. Many of the fishers along the edge of the Slough come from the surrounding area, often from impoverished families seeking to supplement their budget. We would appreciate your written assurance that the food that ends up on their table is safe to eat. If there is any doubt at all about contamination, we would strongly urge that your department immediately post large, clearly visible signs warning visitors of the danger.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



Thank you for your time and consideration. We are holding regular follow up meetings in relation to the issues raised at these workshops, and are planning a final report to be issued in November of this year. We would therefore respectfully request that you respond to this letter by the end of next month.

We are interested in the results of any existing studies into the Slough's water quality, or any that may be ongoing or planned for the future. We understand that one is currently being conducted under the auspices of the Yosemite Watershed Restoration Project. As mentioned above, we would also like your assurance that fishing and other recreational activities are safe for visitors.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

cc: Saul Bloom, Yosemite Watershed Restoration Project
Lynne Brown, Communities for a Better Environment
Rev. Andrew Bozeman, Southeast Sector Community Dev. Corp.
Maurice Campbell, Community First Coalition
Francisco Da Costa, Environmental Justice Advocacy
Deidre Epps-Miller, South East Health Center
Karen Pierce, Department of Public Health



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

ITEM 8.C.

09-11-03

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DRAFT

September 11, 2003

Dr. Mitchell Katz, Director
San Francisco Department of Public Health
101 Grove Street
San Francisco Ca 94102

Re: South East Health Center

Dear Director Katz:

On Wednesday, June 25th, 2003, the San Francisco Human Rights Commission co-sponsored a Health Workshop at the City's Southeast Health Center. This workshop was the second in a series that the Commission is holding on the issue of environmental racism and related issues in the City's Bayview/Hunter's Point neighborhood. Dr. Rajiv Bhatia was a panelist. Other co-sponsors include San Francisco's Department of the Environment as well as the offices of Supervisor Sophie Maxwell and Assemblyman Mark Leno.

The primary goal of this workshop was to address the fact that Bayview/Hunter's Point has among the highest rates of breast and cervical cancer, asthma, and respiratory illnesses in California. The community lives in a highly impacted environment with many environmental hazards and the HRC hopes to help give residents a voice in the administration and regulation of these activities, as well as the resulting health impacts.

At the workshop, one of the specific issues brought to the Commission's attention concerned the availability of health services in the neighborhood, and particularly the optimum use of the South East Health Center. We understand that, despite concerted efforts to fill the position of medical director, it has remained vacant for nearly five years. Secondly, suggestions were made regarding the desirability of reaching an agreement with Kaiser or other medical insurers to help provide health services at the Center. It was reported that many of the residents in Bayview/Hunter's Point have private insurance, but instead attend the Health Center because of its proximity, thereby straining its resources. Thirdly, while Health Center doctors are fully aware of and very sensitive to the unique health



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



problems experienced in this area due to the heavy level of industrial and other types of pollution, other doctors may be less so. Participants in the workshop questioned whether special training in these conditions could not be included in DPH's continuing education requirements.

Thank you for your time and consideration. We understand that an expansion of the South East Health Center is currently under consideration, with funding coming from your department and from the Department of the Environment. We further understand that many of the issues raised at the workshop are under discussion in relation to the expansion. We hold regular follow up meetings in relation to the issues raised at these workshops, and are planning a final report to be issued in November of this year. Therefore, we would respectfully request a meeting with you to discuss these matters to be held some time in September. We will contact you to arrange the exact date.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

cc: Saul Bloom, Yosemite Watershed Restoration Project
Lynne Brown, Communities for a Better Environment
Rev. Andrew Bozeman, Southeast Sector Community Dev. Corp.
Maurice Campbell, Community First Coalition
Francisco Da Costa, Environmental Justice Advocacy
Deidre Epps-Miller, South East Health Center
Karen Pierce, Department of Public Health

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

SEP 23 2003

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, September 25, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

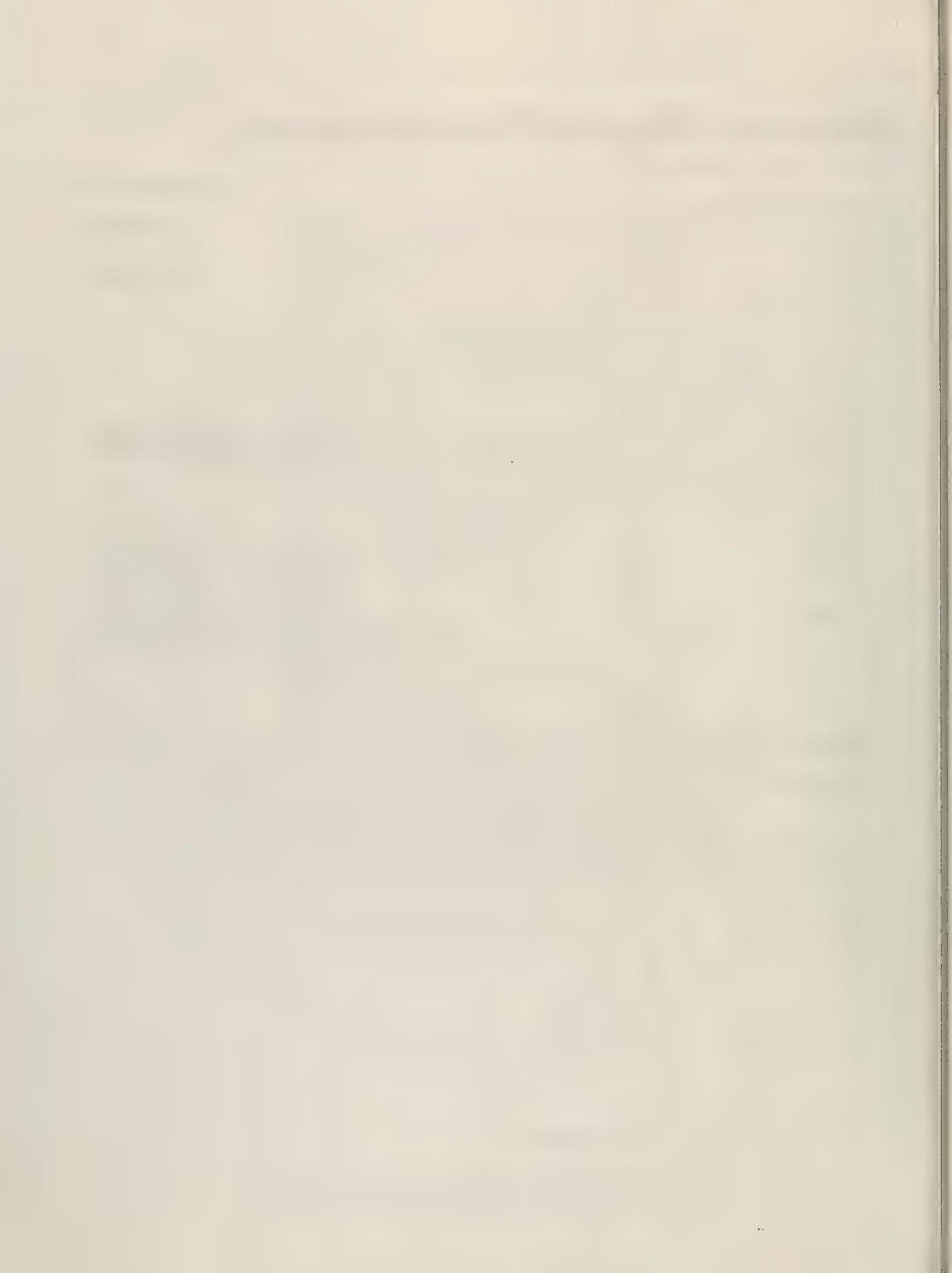
Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*



HRC CALENDAR: October 2003

October 02

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 08

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 09

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

October 15

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 16

"How to Use Your Certification"

Workshop-Public Utilities Commission

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

October 16

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 21

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

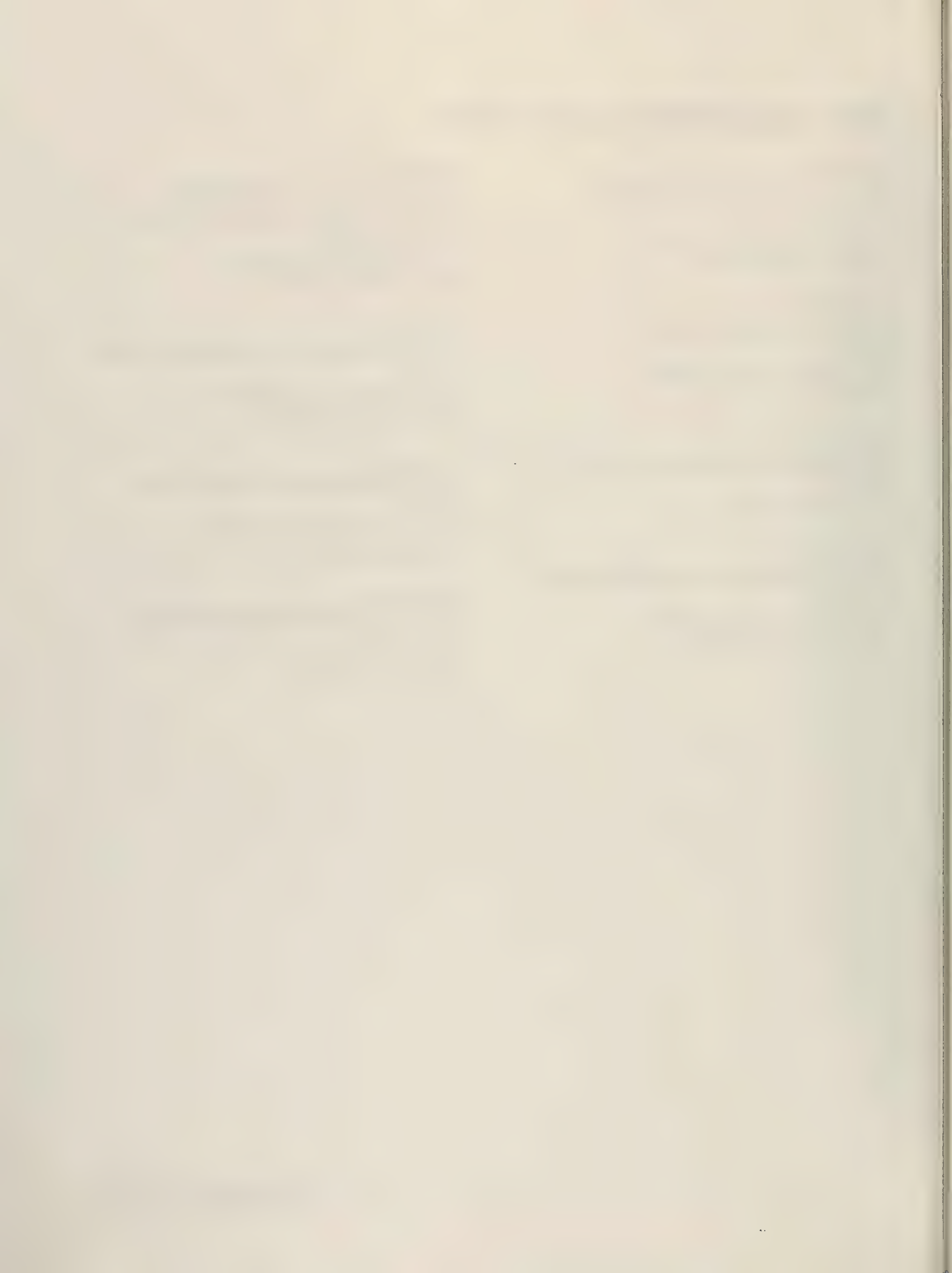
Main Conference Room

October 23

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416



Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities

[©Discussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Update on HRC Response to Civil grand Jury Report of June 2003

[©Discussion Item *No Attachment*]

- b. Possible HRC co-sponsorship of Institute for Democratic Change conference to design and implement strategies to address racism and xenophobia

[©Discussion Item ☞Action Item *No Attachment*]

6. OPERATIONS: POSSIBLE APPROVAL OF 2003-2004 HRC CUSTOMER SERVICE PLAN (DELGADO)

[☞Action Item *Attachment to be provided at meeting*]

7. HRC DIVISION REPORT

Employment, Housing and Public Accommodations (EHPA) Division:

- a. Report on Unreinforced Masonry Building (UMB) Seismic Safety Program (Starkweather)

[©Discussion Item *No Attachment*]

8. ENVIRONMENTAL RACISM UPDATE (RATHBONE/TOM/TRUAX)

- a. Possible approval of letter to Map West, Inc. regarding inclusion of Bayview/Hunter's Point on Visitor Center Map

[☞Action Item *Attachment provided*]

9. POSSIBLE ADOPTION OF LETTER TO SF MUNI REGARDING THE NEED FOR DIVERSITY TRAINING (ASERON)

[☞Action Item *Attachment to be provided at meeting*]

10. COMMITTEE REPORTS

a. *Issues Committee*

Commissioner Jonnie Rollins, Chair

Commissioner Khaldoun Baghdadi, Vice Chair

Commissioner Haig Baghdassarian, Vice Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of September 10, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

CLOSED SESSION

11. EXECUTIVE SESSION

- a. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon

12. RECONVENE IN OPEN SESSION

- a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

[☞Action Item]

RETURN TO REGULAR BUSINESS

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT



NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the



NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

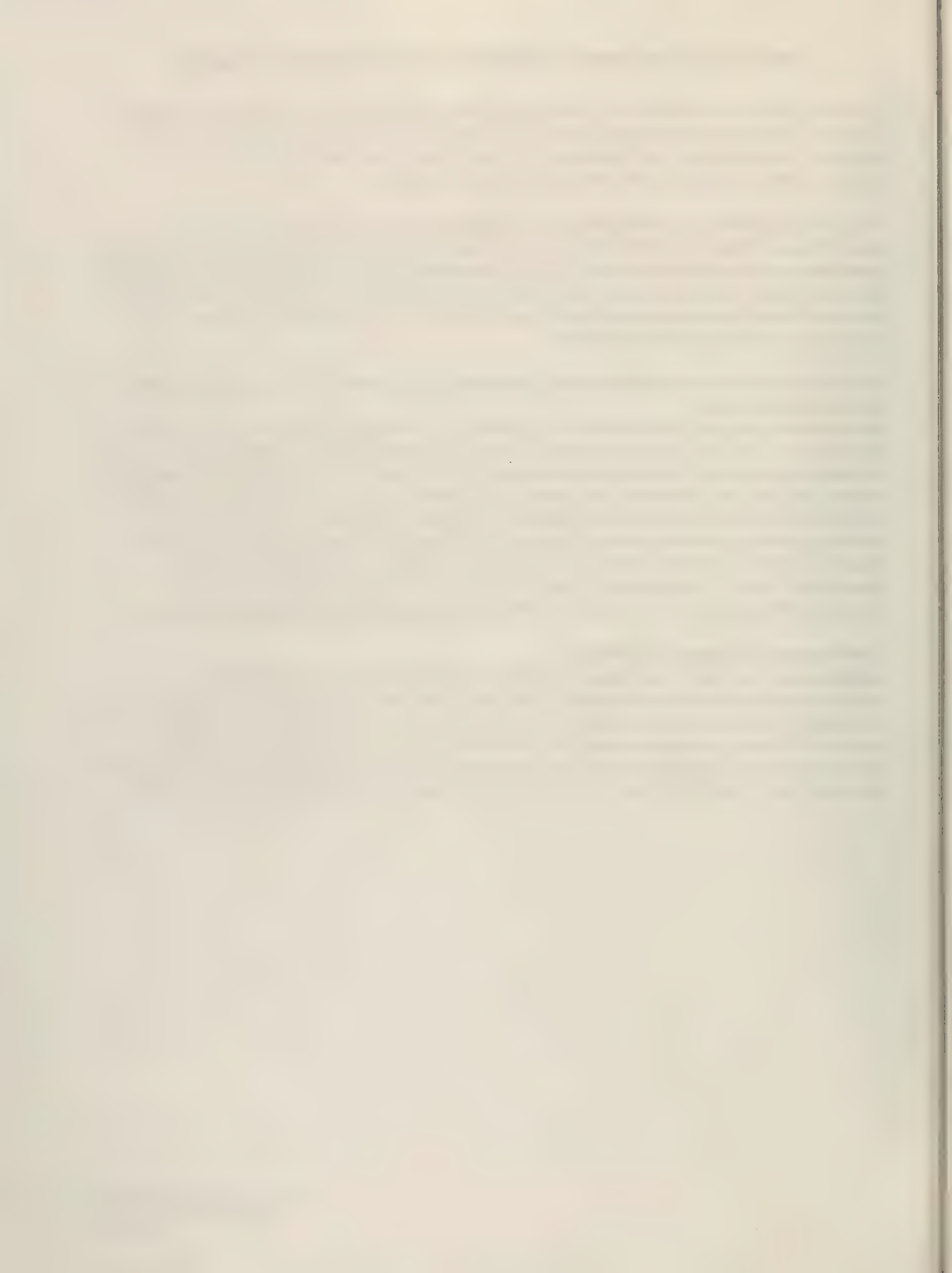
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



City and County of San Francisco

Human Rights Commission



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DRAFT

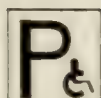
Brian Huber
Publisher
Map West, Inc.
165 Jefferson Street, Suite 2F
San Francisco, CA 94133 - 1201

Re: San Francisco Visitor Map

Dear Mr. Huber:

Over the past several months, the San Francisco Human Rights Commission has been co-sponsoring a series of workshops focused on the issue of environmental racism and related matters in the City's Bayview Hunter's Point neighborhood. Other co-sponsors include the City's Department of Environment as well as the offices of Supervisor Sophie Maxwell and Assemblyman Mark Leno.

At the second workshop, held June 25th of this year, several attendees pointed out a matter concerning the San Francisco visitor map printed and distributed by your company. Specifically, it was noted that the Hunter's Point neighborhood is covered by an advertisement for your company. While this is not something which directly relates to the very serious environmental health problems facing Bayview Hunter's Point, I do hope you can understand the sense of indignation that many residents feel at having their neighborhood covered over by an advertisement. The perception amongst these residents was that the map's message to visitors is that Hunter's Point does not exist. I certainly do not believe it is your intent to convey such a message; indeed, I noticed that almost all of the Sunset District is covered by a map index key. However, it is the Bayview Hunter's Point community, more than any other neighborhood in the City, which has for too many years suffered from a disproportionate impact of environmental and economic concerns. Given these concerns, I hope you can appreciate that something seemingly as innocuous as exclusion on a map can add to the sense of powerlessness and lack of respect that many residents feel.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL 415 252-2500
FAX 415 431-5764
TDD 800 735-2922
www.sfhrc.org





I understand that you publish and distribute your visitor map twice a year, with the next printing scheduled for spring of 2004. On behalf of the Human Rights Commission, I respectfully request that in future versions of the map, you consider placing your company advertisement in another area of the pamphlet, leaving the Hunter's Point neighborhood unobstructed. Your map is utilized by thousands of visitors every year. Residents of Hunter's Point are proud of their community, and would like visitors to be made aware their neighborhood does indeed exist.

I would greatly appreciate it if you could provide a written response to this letter. Thank you for your time and consideration of this request, and I look forward to hearing from you.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

OCT - 8 2003

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, October 9, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: October 2003

October 02

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 08

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 09

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

October 15

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 16

"How to Use Your Certification"

Workshop-Public Utilities Commission

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

October 16

Youth & Education Committee Meeting

4:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 21

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

October 23

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[☉Discussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Update on Racial Privacy Initiative Hearing presented to the Board of Supervisors City Services Committee
[☉Discussion Item *No Attachment*]
- b. Presentation of Chapter 12.D.A. Waiver Report for September (Kanios/Fields)
[☉Discussion Item *Attachment provided*]

6. HRC DIVISION REPORT

Minority/Woman/Local Business Enterprise (M/W/LBE) Division:

- a. Report on Citywide Surety Bond Program (Jones)
[☉Discussion Item *No Attachment*]

7. ENVIRONMENTAL RACISM UPDATE (RATHBONE/TOM/TRUAX)

- a. Possible approval of letters to the Department of Environment, Supervisor Sophie Maxwell and Assemblyman Mark Leno inviting them to December 10, 2003 Environmental Racism Community Meeting
[☑Action Item *Attachment provided*]

8. UPDATE ON HRC CO-SPONSORSHIP OF INSTITUTE FOR DEMOCRATIC CHANGE CONFERENCE (BRINKIN)

[☉Discussion Item ☑Action Item *No Attachment*]

9. POSSIBLE ADOPTION OF LETTER TO SAN FRANCISCO AIRPORT REGARDING THE IMPLEMENTATION OF DIRECTIVES FROM HOMELAND SECURITY (ARANA)

[☑Action Item *Attachment to be provided at meeting*]

10. COMMITTEE REPORTS

a. *Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)*

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of September 16, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

b. *Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee*

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

i. Report of September 17, 2003 Committee Meeting

[©Discussion Item *No Attachment*]

CLOSED SESSION

11. EXECUTIVE SESSION

- a. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon

12. RECONVENE IN OPEN SESSION

- a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

[☞Action Item]

RETURN TO REGULAR BUSINESS

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

October 9, 2003

**San Francisco Administrative Code Chapters 12D.A
Sole Source Waiver Report**

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of September.

No. 1 Granted: Animal Care and Control (ACC) requested a waiver for Peninsula Humane Society (\$10,000), the only organization providing wildlife expertise protocol and oversight at a loss and below market rate, to evaluate and rehabilitate animals (mostly wild birds) delivered to them via ACC.

No. 2 Granted: Recreation and Park requested a waiver for San Francisco Conservation Corps (\$2,500,000), a community based, non-profit organization to provide job training and educational programs to disadvantaged youth. The Board of Supervisors passed ordinance no. 144-03, which exempts SFCC from competitive bid.

No. 3 Granted: Recreation and Park requested a waiver for Golden Gate Park Band (\$160,000), a non-profit organization, that has been playing free Sunday concerts in the Park for 120 years, to continue to provide free band concerts in Golden Gate Park.

No. 4 Granted: San Francisco Public Utilities Commission requested a waiver for Kennedy/Jenks (\$410,000) to provide construction management services for the Priest Bypass Pipeline. They provided the detailed designs for certain elements of the project and they are the design engineer of record.

No. 5 Granted: Department of the Environment found that the improper disposal of used oil is a serious threat to our water. Therefore, they requested a waiver for ValPak of San Francisco (\$5,000) to provide citywide trilingual mailers- including coupons as incentives to encourage informed public participation- to improve this situation.

No. 6 Granted: Department of the Environment requested a waiver for San Francisco Neighborhood Newspaper (\$85,000) to provide yearlong advertising that educates San Francisco residents on environmental issues and therefore, to promote positive behavior changes.



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



No. 7 Granted: Department of Telecommunications and Information Services (DTIS) requested a waiver for Loomis Fargo (\$15,000) to provide armored car services for daily delivery of checks between 1 Market Plaza, PPSD, City Hall and 575 Stevenson Street.

No. 8 Granted: Controller requested a waiver for Cognos, Inc. (\$129,000) to continue to provide software maintenance as the proprietary provider of software tools used to create, maintain and run the City's Executive Information System (EIS). EIS is an integrated extension of FAMIS, the City's central financial management information system.

No. 9 Denied: Elections requested a waiver for Sequoia Voting Services, Inc. (\$9,500,000) to retain the services of a printer certified by the California Secretary of State to print Optech IIIP.-Eagle type ballots. Two bids were received. This is the only firm that became certified by the Secretary of State. No waiver is needed- a competitive bid process occurred.

No. 10 Granted: San Francisco Fire Department requested a waiver for St. Francis Memorial Hospital (\$50,000) to provide medical services until a request for proposal can be issued and awarded. The initial competitive bid process took place and no bidder was responsive. In the interim of issuing another RFP, this company was the only one who could provide the needed services immediately.

No. 11 Granted: Reproduction & Mail Services requested a waiver for Bell & Howell (\$4,500) that is the sole provider for compatible inks and other consumable supplies used for the department OCR- Barcoder. This equipment reduces postage charges by 25%.

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

DRAFT

October 9, 2003

Mr. Parin Shah, President
Commission on the Environment
11 Grove Street
San Francisco, CA 94102

Dear Mr. Shah,

The San Francisco Human Rights Commission ("HRC") has co-sponsored a series of workshops on the topic of Environmental Racism in the Bayview Hunters Point area. Other co-sponsors include the Office of Assemblyman Mark Leno, the Office of Supervisor Sophie Maxwell, the Department of the Environment, and the Mayor's Office of Neighborhood Services.

The Department of the Environment has played an integral part in these workshops and, therefore, the HRC cordially invites the Commission on the Environment to attend a Special Meeting of the Human Rights Commission at the Southeast Community Facility. At this meeting, HRC will present its report on these workshops. Additionally, community members will have an opportunity to be heard on this sensitive topic.

The Southeast Community Facility has informed our Commission that the Alex L. Pitcher, Jr. Room at 1800 Oakdale Avenue is available on December 10, 2003 between 5:30 and 8:30 p.m. for such a meeting. Please contact Commission Secretary Toni Delgado at (415) 252-2502 for further details concerning the meeting.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

cc Jared Blumenfeld, Director, Department of the Environment



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

DRAFT

October 9, 2003

Supervisor Sophie Maxwell
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Supervisor Maxwell,

As you know, the San Francisco Human Rights Commission ("HRC") has co-sponsored a series of workshops on the topic of Environmental Racism in the Bayview Hunters Point area. Other co-sponsors include your office, the Office of Assemblyman Mark Leno, the Department of the Environment, and the Mayor's Office of Neighborhood Services.

Since your office has played an integral part in these workshops, the HRC cordially invites you to attend a Special Meeting of the Human Rights Commission at the Southeast Community Facility. At this meeting, HRC will present its report on these workshops. Additionally, community members will have an opportunity to be heard on this sensitive topic.

The meeting will take place in the Alex L. Pitcher, Jr. Room, 1800 Oakdale Avenue, at the Southeast Community Facility on December 10, 2003 between 5:30 and 8:30 p.m. Please contact Commission Secretary Toni Delgado at (415) 252-2502 for further details concerning the meeting.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

DRAFT

October 9, 2003

Assemblyman Mark Leno
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0013

Dear Assemblyman Leno,

As you know, the San Francisco Human Rights Commission ("HRC") has co-sponsored a series of workshops on the topic of Environmental Racism in the Bayview Hunters Point area. Other co-sponsors include your office, the Office of Supervisor Sophie Maxwell, the Department of the Environment, and the Mayor's Office of Neighborhood Services.

Since your office has played an integral part in these workshops, the HRC cordially invites you to attend a Special Meeting of the Human Rights Commission at the Southeast Community Facility. At this meeting, HRC will present its report on these workshops. Additionally, community members will have an opportunity to be heard on this sensitive topic.

The meeting will take place in the Alex L. Pitcher, Jr. Room, 1800 Oakdale Avenue, at the Southeast Community Facility on December 10, 2003 between 5:30 and 8:30 p.m. Please contact Commission Secretary Toni Delgado at (415) 252-2502 for further details concerning the meeting.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

OCT 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

10-21-03A11:11 RCVD

Regular Meeting Agenda

Thursday, October 23, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Vernon C. Grigg III

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: November 2003

November 06

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 12

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 13

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

November 18

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 19

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 20

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

November 27

HRC Regular Commission Meeting

CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[ⓈDiscussion Item *No Attachment*]

5. REPORT OF THE DIRECTOR

- a. Update on Small Business Commission Workshop
[ⓈDiscussion Item *No Attachment*]

6. HRC DIVISION REPORT

Employment Housing and Public Accommodation (EHPA) Division:

- a. Presentation on Amnesty International USA National Hearings on Racial Profiling (Illumin)
[ⓈDiscussion Item *No Attachment*]

7. ENVIRONMENTAL RACISM UPDATE (RATHBONE/TOM/TRUAX)

[ⓈDiscussion Item *No Attachment*]

8. UPDATE ON HRC CO-SPONSORSHIP OF INSTITUTE FOR DEMOCRATIC CHANGE CONFERENCE (BRINKIN)

[ⓈDiscussion Item *No Attachment*]

9. POSSIBLE ADOPTION OF LETTER TO SAN FRANCISCO CHRONICLE REGARDING RACIAL STATEMENTS MADE BY CHRONICLE FOOD CRITIC

[ⓈAction Item *Attachment to be provided at meeting*]

10. COMMITTEE REPORTS

a. Employment Committee

Commissioner Larry Lee, Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

- i. Report of October 2, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

b. Issues Committee

Commissioner Johnnie Rollins, Chair

Commissioner Khaldoun Baghdadi, Vice Chair

Commissioner Haig Baghdassarian, Vice Chair

Commissioner Daniel Grossman, Vice Chair

Committee Staff: Carmen Herrera, Nichole Truax

- i. Report of October 8, 2003 Committee Meeting
[©Discussion Item *No Attachment*]

c. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

- i. Report of October 15, 2003 Committee Meeting
[©Discussion Item *No Attachment*]
- ii. Possible adoption of letter to the Controller's and Treasurer's Office
regarding the M/W/LBE bonding program
[☞Action Item *Attachment to be provided at meeting*]

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

NOV 12 2003

SAN FRANCISCO
PUBLIC LIBRARY

11-12-03A10:13 RCVD

Regular Meeting Agenda

Thursday, November 13, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Vernon C. Grigg III

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR: November 2003

November 06

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 12

Issues Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 13

HRC Regular Commission Meeting

4:30pm

City Hall, Room 416

November 18

LGBT Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 19

M/W/LBE Advisory Committee Meeting

5:30pm

25 Van Ness Avenue, #800

Main Conference Room

November 20

"How to Become a Certified Firm"

Workshop

10:00 - 12:00 pm

25 Van Ness Avenue, #800

Main Conference Room

November 27

HRC Regular Commission Meeting

CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. CIRCULATE GENERAL COMMUNICATION FILE

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. REPORT OF THE CHAIR

- a. Individual Commissioner Reports on Community Activities
[©Discussion Item *No Attachment*]
- b. Presentation on resolution honoring the life of the late Enola Maxwell
[©Discussion Item *Attachment provided*]
[*This resolution was adopted by the HRC on 07-10-03*]

5. REPORT OF THE DIRECTOR

- a. Presentation of Chapter 12.D.A. Waiver Report for October (Kanos/Fields)
[©Discussion Item *Attachment provided*]
- b. Presentation of Chapter 12.D.A. November 2003 Quarterly Report (Villacarlos)
[©Discussion Item *Attachment provided*]

6. HRC DIVISION REPORT

Employment Housing and Public Accommodation (EHPA) Division:

- a. Presentation on Moscone Center Expansion Project Employment Program (Campos)
[©Discussion Item *No Attachment*]

7. ENVIRONMENTAL RACISM UPDATE (RATHBONE/TOM/TRUAX)

[©Discussion Item *No Attachment*]

8. REPORT ON INSTITUTE FOR DEMOCRATIC CHANGE CONFERENCE (BRINKIN)

[©Discussion Item *No Attachment*]

9. COMMITTEE REPORTS

a. *Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)*

Commissioner Theresa Sparks, Chair

Commissioner Martha Knutzen, Vice-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of October 14, 2003 Committee Meeting

[©Discussion Item No Attachment]

b. *Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee*

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

i. Report of October 15, 2003 Committee Meeting

[©Discussion Item No Attachment]

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

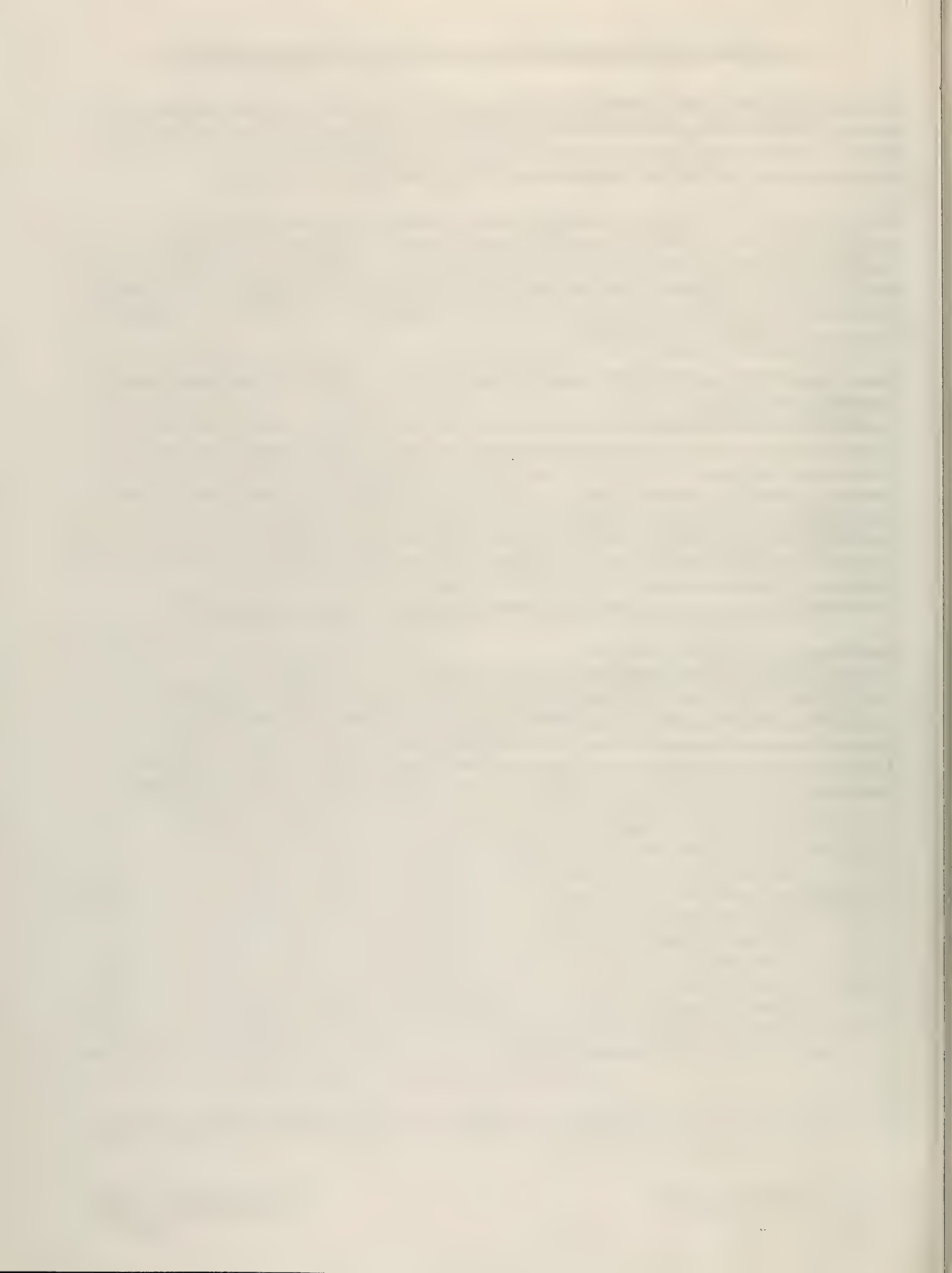
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.





Human Rights Commission Resolution

COMMENDING THE LIFE OF ENOLA D. MAXWELL

WHEREAS, Ms. Maxwell has been described by Mayor Willie L. Brown, Jr. as “a giant in the community, the quintessential neighborhood activist,” and

WHEREAS, Ms. Maxwell was appointed a Commissioner of the Human Rights Commission by Mayor George Moscone; and

WHEREAS, Ms. Maxwell was an active member of the Human Rights Commission’s Youth and Education Committee during Mayor Art Agnos’ administration; and

WHEREAS, Ms. Maxwell has received numerous awards and certificates recognizing and honoring her unparalleled commitment to the welfare of children and the community at large; and

WHEREAS, Ms. Maxwell has enhanced the lives of a significant portion of the people in our community—having devoted over thirty years of her life to Commissions, political clubs, and organizations serving the local and state levels; and

WHEREAS, Ms. Maxwell’s model commitment to preserve the community is complemented with the election of her own daughter, Supervisor Sophie Maxwell, to the City and County of San Francisco Board of Supervisors; now, therefore, be it

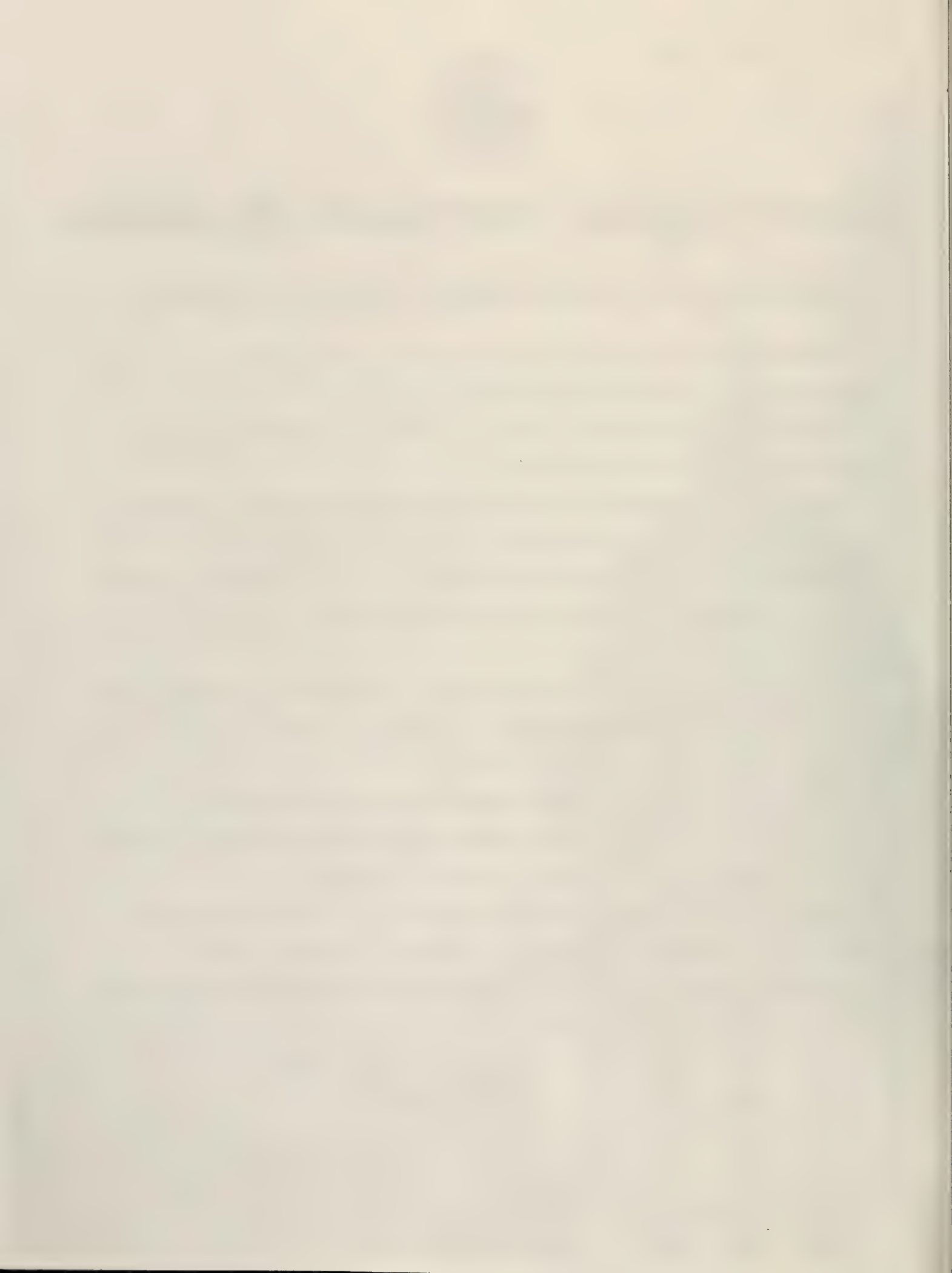
RESOLVED, That the Human Rights Commission of the City and County of San Francisco extends its highest commendation honoring the life of Enola D. Maxwell.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 10th day of July, Two thousand and three.

A handwritten signature in dark ink, appearing to read "M. Heinicke".

Malcolm A. Heinicke

Chair of the San Francisco Human Rights Commission





November 13, 2003

**San Francisco Administrative Code Chapters 12D.A
Sole Source Waiver Report**

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of October.

No. 1 Granted: Department of Human Resources requested a waiver for CPS Human Resources Services (\$24,900) to develop and implement a new performance-based pay component. This must be a market driven pay scheme for the Management Classification and Compensation Plan (MCCP) as part of the successor 2003-2005 Memorandum of Understanding with the Municipal Executives Association.

No. 2 Granted: Department of the Environment requested a waiver for U.S. Green Building Council (GBC) (\$8,250) to provide a training workshop. The Leadership in Energy and Environmental Design (LEED) Rating System was developed by the GBC and has proprietary rights over the information.

No. 3 Granted: Recreation and Park requested a waiver for Urban Resource Systems/The Neighborhood Parks Council (\$49,850) to provide community involvement in the reconstruction of Rossi Park. This community based, non-profit organization is formed by various community groups in conjunction with the Mayor's Park Beautification and Recreation improvement programs.

No. 4 Granted: San Francisco Law Library requested a waiver for Lawrence Fine Arts (\$15,627) to provide storage of the Library's rare book collection. This vendor most accurately meets the extraordinary environmental storage conditions requirements to preserve this collection of some 10,000 volumes which range from 200 to 500 years old.

No. 5 Granted: Real Estate requested a waiver for Regents of the University of California (UCSF) (\$2,439) to enter into a lease agreement for industrial laundry needs of Laguna Honda Hospital. UCSF has previous use of the property for same industrial use.

No. 6 Granted: Public Library requested a waiver for Sunnyvale Public Library (\$80,000) to purchase one used bookmobile. This purchase is part of the Branch



Library Renovation Bond program to provide cost effective library services when branch close for renovation/construction.

No. 7 Granted: Office of the Sheriff requested a waiver for Ben H. Dorcy (\$44,208) to provide special training services. Mr. Dorcy is the only vendor licensed and certified by the State of California in specific categories. Use of a State licensed vendor is required in order for the department to be reimbursed for their training sessions.

No. 8 Granted: Arts Commission requested a waiver for Atthowe Fine Arts Services (\$70,000) to transport, install and store works of art belonging to the City and County of San Francisco. This vendor is the only vendor that meets all of the qualifications for this contract.

No. 9 Granted: Airport- Parking Management requested a waiver for Ascom Transport Systems (\$146,252) to provide replacement ticket machines. Ascom hardware and software are proprietary and they are the sole vendor of their products.

No. 10 Granted: DTIS requested a waiver for Marconi Communications (\$190,000) to provide service and maintenance on the Marconi switches for voice and data communications at the Emergency Communications Department. This includes the software that runs the switches, providing parts for the equipment and to maintain the hardware. The vendor is the sole source for all three components of this project.

SFGate.comwww.sfgate.com[Return to regular view](#)

No longer are prisons correctional institutions

[Joan Ryan](#)

Friday, November 7, 2003

[©2003 San Francisco Chronicle](#) | [Feedback](#)URL: sfgate.com/article.cgi?file=/chronicle/archive/2003/11/07/BAG0J2SML91.DTL

An administrator from the California Department of Corrections was giving a group of German criminal justice experts an overview of the state prison system in a San Francisco hotel meeting room Wednesday.

Thirty-two prisons, he wrote on a pad of newsprint propped on an easel. A population of 159,390 inmates. An annual budget of \$5.3 billion.

"Billion?" one German repeated, unsure he had heard correctly.

"Billion. Milliarden," a colleague answered, using the German word as clarification.

"Milliarden? Wow." The Germans shook their heads as they wrote the number in their notebooks.

They were in San Francisco for a four-day German-American symposium on preventing hate crime. But Wednesday's sessions were mostly about prisons. They heard from folks from the Department of Corrections. They visited San Quentin and talked with the inmates and the warden.

To see the California prison system through the eyes of a foreigner is to see how utterly backward and broken it has become.

"I was astonished," said Ulrich Doverman, from Germany's Federal Agency for Civic Education, which runs anti-violence programs in German prisons. What struck Doverman and his colleagues was that everyone from the warden to the inmates agreed the system doesn't work. And they agreed on when the breakdown began: in 1978, when the state passed a law that imposed hard-and-fast prison sentences, called determinant sentencing.

Before this, a judge could give a sentence range, for instance five to life. The parole board would decide when to release an inmate, depending on how well he followed his prescribed program for re-entering society. This obviously gave inmates incentives to take classes, learn a vocation, participate in therapy.

Now when a criminal is sentenced, a clerk figures in certain credits and comes up with a release date. (The parole board decides the fate only of those imprisoned for murder and certain kidnappings.)

"Determinant sentencing pulled the rug out from under prescriptive programming," said a state corrections officer who requested anonymity. "You had to prove to the parole board you were doing the right thing to be released. "

The prison population began to soar as inmates served out full terms no matter what. From 1978 to 1988, the number of inmates imprisoned for violent crimes doubled. And the number of inmates imprisoned solely on drug charges increased seven-fold.

Building prisons became California government's biggest industry. We had 12 prisons in the state in 1980. We have built 20 since then to keep up with the demand. Another is slated to be built in Delano at a cost of \$335 million. In the meantime, we haven't built a single new public university.

"You are taking money and putting it into nothing," Doverman said. "The money you put in there would be better spent in education. It is cheaper to prevent crime than to punish it."

When I found out how California's prison numbers compared to Germany's, I understood why the Germans were flabbergasted.

California has a total population of 33 million people and 159,390 inmates. Germany has 82 million people and 56,000 inmates. Indeed, the California Department of Corrections employs nearly as many people as Germany imprisons.

So if nearly everyone agrees the current system has become a counter-productive, money-devouring beast, why doesn't anyone change it? Because it would take action from the Legislature. And what politician would propose more flexible sentencing and more rehab services, knowing he or she would immediately be labeled "soft on crime"?

"Correction officials can't say anything either because you're appointed by the governor, so you can't take a position that isn't approved by him," said the California official.

Near the end of the morning session on Wednesday, corrections administrators spoke to the Germans about the effects of the state's huge deficit. They explained that they had to cut teachers and other support personnel. They had to cut programs geared toward helping inmates re-enter society. They have had to limit education opportunities.

One of the Germans raised his hand.

"Then you have to change the name," he said. "It is no longer a correctional facility. What do you correct?"

Maybe our new governor can assemble a Blue Ribbon committee to come up with an answer.

E-mail Joan Ryan at joanryan@sfgchronicle.com.

©2003 San Francisco Chronicle | [Feedback](#)

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

NOV 19 2003

SAN FRANCISCO
PUBLIC LIBRARY

11-19-03A10:51 RCVD

*****CANCELED*****

Regular Meeting

Thursday, November 27, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

*****CANCELED*****

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next meeting will be a **SPECIAL MEETING**:

December 10, 2003

5:30 pm to 8:30 pm

Southeast Community Facility

Alex L. Pitcher, Jr. Community Room

1800 Oakdale Avenue

San Francisco, CA 94124

Toni A. Delgado

Commission Secretary

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Special Meeting Agenda

Wednesday, December 10, 2003

5:30 pm to 8:30 pm

Southeast Community Facility

Alex L. Pitcher, Jr. Community Room

1800 Oakdale Avenue

San Francisco, CA 94124

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi

Haig Baghdassarian

Shirley Dimapilis

Vernon C. Grigg III

Daniel Grossman

Martha Knutzen

Larry Lee

Johnnie Rollins

Theresa Sparks

Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

NOV 26 2003

SAN FRANCISCO
PUBLIC LIBRARY

11-25-03A10:01 RC.2

HRC CALENDAR: December 2003

December 04

Employment Committee Meeting

1:30pm

25 Van Ness Avenue, #800

Main Conference Room

December 10

Issues Committee Meeting

CANCELED

December 10

HRC Special Commission Meeting

5:30 pm to 8:30 pm

Southeast Community Facility

Alex L. Pitcher, Jr. Community Room

1800 Oakdale Avenue

San Francisco, CA 94124

December 16

LGBT Advisory Committee Meeting

CANCELED

December 17

M/W/LBE Advisory Committee Meeting

CANCELED

December 25

HRC Regular Commission Meeting

CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony of up to three minutes will be taken on each item.

SPECIAL MEETING

1. CALL TO ORDER AND ROLL CALL

2. ENVIRONMENTAL RACISM IN THE BAYVIEW/HUNTERS POINT

- a. Presentation of Environmental Racism: Research & Recommendations –
A report on Environmental Racism in the Bayview/Hunters Point
[©Discussion Item *Attachment Provided*]
- b. Public comment on this item
[©Discussion Item *No Attachment*]
- c. Possible adoption of Environmental Racism: Research & Recommendations –
A report on Environmental Racism in the Bayview/Hunters Point
[☞Action Item *Attachment provided in 2.a.*]

REGULAR BUSINESS

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

4. APPOINTMENT OF HEARING OFFICERS

- a. Appointment of Hearing Officer for appeal of denial of HRC Certification for Office Furniture Resource
[☞Action Item *Attachment provided*]
- b. Appointment of Hearing Officer for appeal of denial of HRC Re-certification for JMB Construction
[☞Action Item *Attachment provided*]

5. POSSIBLE APPROVAL OF GENDER IDENTITY GUIDELINES

[☞Action Item *Attachment provided*]

6. APPROVAL OF HRC CO-SPONSORSHIP OF FORUM OF DOMESTIC PARTNERSHIP RIGHTS AND RESPONSIBILITIES UNDER AB 205

[☞Action Item *Attachment to be provided at meeting*]

**7. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE
INCLUSION OF FUTURE AGENDA ITEMS**

[©Discussion Item *No Attachment*]

8. ADJOURNMENT

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2nd and 4th Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

POLICY ON TAPE RECORDING OF COMMISSION MEETINGS

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

POLICY ON USE OF CELL PHONES, PAGERS AND SIMILAR SOUND-PRODUCING ELECTRONIC DEVICES AT AND DURING PUBLIC MEETINGS

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

DISABILITY ACCESS

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site <http://www.sfgov.org/ethics/>.



ENVIRONMENTAL RACISM

Research & Recommendations

A report on Environmental Racism in the Bayview/Hunters Point

DRAFT
as of 11-25-03

Published by
THE HUMAN RIGHTS COMMISSION

December 2003

Special Thanks...

INSERT NAMES OF PEOPLE HERE



TABLE OF CONTENTS

1. INTRODUCTION	Page 4
2. WHAT IS ENVIRONMENTAL RACISM	Page ?
3. INDUSTRIAL HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP).....	Page ?
4. WORKSHOPS.....	Page ?
ENERGY	Page ?
HEALTH.....	Page ?
PROTECTING THE SOUTHEAST COMMUNITY FROM INDUSTRIAL DUMPING: POLLUTION, TOXIC ACTIVITIES, NAVAL SHIPYARD, MITIGATION MEASURES.....	Page ?
SOUTHEAST WATER POLLUTION CONTROL PLANT	Page ?
5. RECOMMENDATIONS.....	Page ?
APPENDIX A. THE SEVENTEEN ENVIRONMENTAL PRINCIPLES	Page ?
APPENDIX B. TEXT OF PRESIDENTIAL EXECUTIVE ORDER 12898 ON ENVIRONMENTAL JUSTICE: <i>Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. February 11, 1994</i>	Page ?



I: INTRODUCTION

In June, 2003 the Human Rights Commission heard testimony from a group of African American leaders. The testimony included complaints of environmental racism in the Bayview/Hunters Point neighborhood. Commission Chair Malcolm Heinicke asked Commissioners Charles Ward and Theresa Sparks to investigate these allegations.

The commissioners held two meetings, one with various city departments and another with community groups active in environmental issues in the Bayview/Hunters Point neighborhood.

The City departments included:

- The Department of Public Health
- The Department of the Environment
- The Department of City Planning

The community groups included:

- South East Sector Community Development Organization
- Communities for a Better Environment
- Community First Coalition
- Environmental Justice Advocacy
- LEJ
- BVHP PAC
- BVHP Community Advocates



As a result of these meetings, it was decided to hold four workshops on the following topics:

- Energy
- Health
- Protecting the Southeast Community from Industrial Dumping: Pollution, Toxic Activities, Naval Shipyard, Mitigation Measures
- The Southeast Water Pollution Control Plant.

A core working group was established to implement the workshops including members from both government and the community. The members have changed over time but have included:

From City Departments

- Hillary Amsbery, Department of the Environment
- Sraddha Mehta, Department of the Environment
- Karen Pierce, Department of Public Health

From the Community

- Andrew Bozeman, Southeast Sector Community Development Corporation
- Lynne Brown, Communities for a Better Environment
- Maurice Campbell, Community First Coalition
- Francisco Da Costa, Environmental Justice Advocacy

From Assemblyman Leno's Office

- Lisa Williams
- Adam Priest

From Supervisor Sophie Maxwell's Office

- Marti Paschal



Each workshop had a core group member as its point person. All the panelists were chosen by the point person who also served as the workshop's moderator. Any interested persons from either the community or the city was welcome to become a part of the core group at any time.

In addition, the office of Assemblyman Mark Leno, the office of Supervisor Sophie Maxwell, the Department of the Environment and the Mayor's Office of Neighborhood Services were original co-sponsors of the workshops.

HRC staff who worked on this project included James Fields, Diana Rathbone, Preston Tom, Sophia Simpliciano and Nichole Truax.

The purpose of the workshops was to attempt to create a bridge between City government and the Bayview/Hunters Point community concerning issues of environmental justice. Bayview/Hunters Point is a neighborhood suffering from an extraordinarily high degree of environmental degradation and contamination. It has among the highest rates of breast, cervical and prostate cancer, asthma and respiratory illnesses in California. The workshops were designed to give residents a voice in the administration and regulation of environmentally hazardous materials and activities in their community and in the City's efforts to mitigate their effects on the local population.

The report recommends that the Human Rights Commission forward this document to the San Francisco Board of Supervisors with a recommendation that the Board:

- Adopt a local version of the Principles of Environmental Justice (see Appendix A) and
- Issue environmental justice legislation for the City and County of San Francisco similar to that contained in Federal Executive Order 12898 (see Appendix B). This Executive Order, signed by President Clinton in 1994, created an Interagency Group on Environmental Justice to carry out the Executive Order's directive to consult with affected communities and to consider issues of environmental justice in all its actions with low income and minority populations.



This report has drawn liberally from discussion at the workshops, information provided by the panelists as well as from various websites and publications. Its purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all these sources and apologize for any that have been forgotten.



2: WHAT IS ENVIRONMENTAL RACISM?

"Environmental Racism is not a science, but the result of a power dynamic. The dynamic that causes environmental inequity occurs when people who have power in society choose not to have environmental hazards in their community. This environmental inequity becomes environmental injustice when environmental hazards are placed in a community of disempowered people." **Edward Rush of the Center for Health, Environment and Justice, ("Environmental Racism: Fact or Friction?" Everyone's Backyard, Summer 1997**



"Environmental Justice is the fair treatment and meaningful involvement of all people in environmental decision-making. San Francisco's Environmental Justice Program promotes the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities so that all San Franciscans have an equal opportunity to lead healthy, fulfilling, and dignified lives." **San Francisco Department of the Environment**



"The solution to environmental racism is environmental justice." **Saul Bloom, Founder and Executive Director, Arc Ecology, a non-profit, public interest organization concerned with issues affecting ecology**

FACTS ABOUT THE BAYVIEW/HUNTERS POINT NEIGHBORHOOD

Bayview/Hunters Point is a community of approximately 30,000 people, of whom:

- 48% are African American, 1.3% American Indian or Alaskan Native, 28% are Asian and Pacific Islanders, 17% Hispanic and 10% are White.
- 16% are unemployed.
- 22% of families and 22% of individuals exist below the poverty line.
- The median family income is \$37,000.

Source: U.S. 2000 Census



2: WHAT IS ENVIRONMENTAL RACISM?

- San Francisco District 10, which includes Bayview/Hunters Point as well as much of the southeastern sector of the City, is a community of approximately 76,752 people of whom 29% are African American, 30% are Asian and Pacific Islanders 19% Hispanic and 26% are White.

Source: San Francisco Politics.com (courtesy of the Legislative Analysts Office)

- Bayview/Hunters Point has no supermarket and its health center has been without a medical director for nearly five years.
- Over half of the land in San Francisco that is zoned for industrial use is in Bayview/Hunters Point. The neighborhood is home to:
 - ❧ A highly contaminated naval base
 - ❧ An old and heavily polluting power plant
 - ❧ A sewage treatment plant which handles 80% of the City's solid wastes and emanates noxious fumes
 - ❧ 100 Brownfield sites (a Brownfield is an abandoned, idled, or underused industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination)
 - ❧ 325 underground petroleum storage tanks
 - ❧ More than a third of the city's 1,263 hazardous waste generators
 - ❧ Two superfund sites
- Bayview/Hunters Point has higher than the national average rates of asthma, respiratory disease, breast cancer and diabetes. Consequently, like many urban, industrial, minority communities across the country, it is a vulnerable population, increasingly sensitive to the effects of exposure to hazardous substances and the cumulative effects of air, land and water pollution in its community.

PRINCIPLES OF ENVIRONMENTAL JUSTICE

The environmental justice movement started in Warren County, N.C. when activists from both the civil rights and environmental movements demonstrated against the placement of yet another landfill in the largely African-American community. Although demonstrators lay down in front of the trucks carrying PCB-contaminated soil, their show of civil disobedience did not stop the new



2: WHAT IS ENVIRONMENTAL RACISM?

landfill. It did, however, thrust the issue of environmental racism into the national spotlight and onto the political agenda.

In 1983, the United States General Accounting Office conducted a study of several Southern states that found three out of every four landfills were located near predominantly minority communities. In 1987, The United Church of Christ Commission for Racial Justice report showed that the most significant factor in determining hazardous waste facility sites, nationwide, was race.

In 1991, the First National People of Color Leadership Summit was held in Washington, D.C., and adopted the Principles of Environmental Justice (see Appendix A.).

In 1992, a National Law Journal report alleged that the Environmental Protection Agency discriminated in the enforcement of its policies, pointing out that federal fines were not as strict for industries operating in communities of color, that clean-up of environmental disasters in these communities were slower than in wealthier, white communities and that standards for clean-up were not as high. In that same year, the EPA established its Office of Environmental Justice.

In 1994, President Bill Clinton issued Executive Order 12898 (see Appendix B). Shortly thereafter, the Interagency Group on Environmental Justice was established in response to the Order's directive to the federal government to consult with affected communities, especially low income and minority populations, and consider issues of environmental justice in all its actions.

In 2003, the Advisory Committee on Environmental Justice of the California Environmental Protection Agency (Cal/EPA) issued recommendations to guide the state's policies and procedures regarding environmental justice, based on what it calls 'sound science and robust public participation.' Similar to the federal executive order, the recommendations include utilizing an Interagency Working group. Also in 2003, the Governor's Office of Planning and Research issued General Plan Guidelines to assist city and local governments in the preparation of the local land use plans they are required to prepare under state law. As required by the legislature, these guidelines included, for the first time, a section on environmental justice and the fair treatment of people of all races, cultures and incomes 'with respect to the development, adoption, implementation and



2: WHAT IS ENVIRONMENTAL RACISM?

enforcement of environment laws, regulations and policies.’ The guidelines also refer to the importance of public participation as a means of allowing ‘planners, decision-makers, and the community to engage in a meaningful dialogue about the future development of the city or county.’

Source: State of California General Plan Guidelines 2003, Cal/EPA’s Advisory Committee Report and Recommendations on Environmental Justice, The Colorado People’s Environmental and Economic Network (COPEEN)



3: INDUSTRIAL HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

Bayview/Hunters Point got its name from two brothers, Robert and Phillip Hunter, who belonged to a distinguished East Coast family and came to San Francisco during the gold rush. The brothers worked for two land speculators who had brokered a deal with a prominent landowner, Jose Cornelia Bernal, to split up his estate into lots, sell them, and split the proceeds. The estate, then called Potrero Viejo, included the Bayview/Hunters Point area. Unfortunately, most of the lots did not sell. The area was deemed undesirable, as there was no convenient way to get to the downtown area three miles away (a problem which remains true to this day and will only end with the completion of the 3rd Street Light Rail project).

In these early days, in addition to a burgeoning shipping industry, Bayview/Hunters Point was known for its rich farmland, where residents cultivated produce and raised livestock for the city's consumption. It was also home to some good game and duck shooting.

During World War II, Hunters Point experienced a building and development explosion due to the naval shipyard. Over 600 fighting vessels and liberty ships were repaired during these years, stimulating the creation of many surrounding support industries and marking the beginning of the area's long history of environmental degradation and contamination. Since that time, the area has been home to a toxic mix of residential and industrial uses. Also, in part due to the shipyard and its activities, almost all of the land in San Francisco that is zoned for industrial use is located in this neighborhood.

Following is a brief history of industrial activity in the area.



3: HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

The Navy Shipyard

In 1868 the California Dry-dock Company built a shipyard in the district. Encompassing 638 acres of waterfront, it was the site of the first dry-dock for commercial use on the West Coast. One of the Company's earliest feats was to service the battleships of President Theodore Roosevelt's "Great White Fleet" (the ships were painted white except for gilded scrollwork).

In 1939, Congress purchased the dry dock, and leased it to Bethlehem Steel Company, which continued actively servicing the ship building and repair industry until 1941 when, eleven days before Pearl Harbor, the Navy took over the site, renaming it the San Francisco Naval Shipyard. From this point on until 1974, the yard was an active naval facility, involved in shipbuilding, maintenance and repair as well as naval ordinance training exercises, radiological testing and nuclear decontamination.

The shipyard was involved in numerous heavy metal operations which produced byproducts of nickel, cadmium, zinc, arsenic, slag and other heavy metals and industrial chemicals. The industry also required extensive use of petroleum based products, such as diesel, gasoline, lubricants for bearings and gear drives and heavy grease. As part of the operation of the shipyard these products were spilled, wasted or dumped into the ground and water systems on the shipyard property. As a result of worker exposure to asbestos a class action lawsuit was litigated several years ago. All of these uses contributed to the present day industrial and radioactive contamination of the site.

The shipyard also fostered the development of many heavy industrial uses in the immediate area, uses which eventually became codified in the City's zoning laws and contributed to the overall environmental degradation of the neighborhood. Metal plating shops, for example, used acids for the chrome and brass plating process. Fifty-five gallon petroleum barrels were commonly seen piled in open storage in the community.



3: HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

During the war, Hunters Point experienced a building and development boom to accommodate the influx of ship builders and laborers. Schools were built as well as medical and childcare centers, recreation facilities and restaurants. Several federal housing projects were developed to provide lodging for the workers, many of whom were African Americans newly arrived from the South and other parts of the country in search of the well-paying jobs. According to census data, the greatest increase in the African American population in San Francisco occurred during the shipyard's heyday from the 1940's to 1960's and it is estimated that about 45 percent of families who lived in war housing were black.

In 1964, the shipyard averaged 7,000 workers. However, many African Americans lost their well-paying jobs after the war. Displaced by the men returning from the fighting, they were relegated to menial labor. When the base closed in 1974, these jobs were lost altogether and so, in addition to the environmental degradation, the Navy also left the area economically depressed.

After the war, the administration of wartime housing was assumed by the San Francisco Housing Authority and turned into public housing.

Navy Radiological Defense Laboratory (NRDL). At the end of World War II, the Navy Radiological Defense Laboratory (NRDL) was established at Hunters Point. It is now known that numerous highly radioactive "hot" laboratories existed at the site in which conventional weapons tests were conducted, as well as radiological tests and tests on the effects of radioactive fallout on animals and materials. Some of these experiments, which resulted in substantial contamination, remained classified for years.

The yard was also detailed for the radioactive decontamination of ships formerly involved in nuclear weapons testing and this continued through the Cold War until 1969 when it ended due to budget cuts. For example, the ships that were radiated in the Bikini Atoll tests were sandblasted at the shipyard. In addition to the work at the NRDL, activities at the shipyard included the conversion of the U.S.S. Chicago from a gunner to a guided missile cruiser.



Slaughter House

James Allen & Sons, a slaughter house located at Third Street and Fairfax Avenue, was a full scale conventional livestock slaughterhouse, complete with outside holding areas for cows, hogs and sheep. The smell is reported to have been overwhelming. The neighborhood around the slaughterhouse was known as “Butchertown”. Restaurants, bars, single room occupancy (SRO’s) hotels, dry cleaners and other industrial support businesses thrived off Butchertown workers.

The Royal Tallow Company and Darling Company processed unused meat and cattle products. The animal hides were shipped to the Legalette Tannery near Palou Avenue southeast of the shipyard.

Automobile Wrecking Yards

Adjacent to the slaughterhouse were the automobile wrecking yards, home to literally dozens of businesses. This area, now known as India Basin was crisscrossed with unpaved, oil soaked dirt roads. The area remained a huge blight on the community until 1970 when it was redeveloped into India Basin Industrial Park. Even so, to this day, large numbers of disabled automobiles remain parked throughout the neighborhood, especially near public housing properties.

Port Property.

For many years, in part due to the presence of the shipyard, the bay surrounding Bayview/Hunters Point was dominated by industrial, rather than recreational, uses. However, most of these businesses have since deserted the waterfront, leaving behind them dilapidated piers, broken down warehouse structures and varying levels of contamination. Pier 92, for example, once home to the Washington Fish Company, the last remaining industry of its type on this part of the waterfront, has long been deserted. Similarly, Pier 90, now abandoned was known for inshore processing plants, banana boat unloading and grain storage silos.



3: HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

A Southern Pacific trestle was located near 24th Street. Southern Pacific would barge railroad cars over from the east bay where they connected to the extensive rail connections, now abandoned, that can still be seen in the neighborhood today.

Candlestick Park and Candlestick Cove

During the war, the cove was home to officers and the navy yard's upper crust. After the war, however, before Candlestick Park was built, the shoreline became derelict and was the site of an open public dump owned by local scavenger companies. The wind is notorious at Candlestick and all the debris, dirt and dust blew into the bay and around the neighborhood. Along the shoreline of Yosemite Slough was a dumpsite and reclamation yard for masonry products, mainly used bricks.

The Norcal public dump, reclamation yard and recycle plant still exist on Beatty Road.

Other Industries

Some of the other plants in the community were:

- Planters Peanuts at Bayshore and Paul Avenue.
- Firestone Tire warehouse at Third and Fitzgerald.
- Used tire reclamation sites at Innes Avenue and Phelps Street. Thousands of tires were stored there along with various large sections of metal pipe, used construction materials and parking for construction trucks
- An old mattress factory at Third and Bancroft.
- Lucky Lager Brewery near Williams Street.
- Reynolds Aluminum (near Pier 90)
- American Can Company
- Hills Brothers Coffee



3: HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

PG&E Power Plant

This old and heavily polluting power plant remains open in spite of more than a decade of community efforts to shut it down. The California System Independent Operator says it will recommend shutdown by 2005 but only if a long series of conditions are met for alternative sources of power. See Energy Workshop below.

Southeast Water Pollution Control Plant

A huge sewage treatment plant was constructed in the area in the late 1970s. See Southeast Water Pollution Control Plant Workshop below.

Source: The San Francisco Department of City Planning; the Community Journalism Project; San Francisco Politics.com (An illustrated history from the San Francisco Public Library), James Fields, HRC staff member and former resident of Bayview/Hunters Point.



WORKSHOP 1: ENERGY

Date: Saturday, April 26 2003

Time: 10.00 a.m. – 1.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Jim Chace**, Manager of the Energy Center, PG&E

Barbara George, Founder and Director, Women's Energy Matters

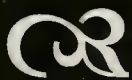
Greg Karros, Senior Scientist, Communities for a Better Environment

Ann Kelly, Senior Energy Specialist, San Francisco Department of the Environment

Ed Smeloff, Assistant General Manager for Power Policy, Planning and Resources,
San Francisco Public Utilities Commission

Moderator: **Maurice Campbell**, Community First Coalition

NOTE: This is not intended to be minutes of the workshop. Instead, it is meant to raise the issues discussed at the workshop by compiling information from the panelists, workshop discussions and community concerns well as related information from various related websites and publications. Where applicable, we have tried to include related events and follow up that have taken place since the workshop. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.



AREAS OF CONCERN

- ❧ *Shutting down the Hunters Point PG&E power plant and opposing the expansion of the Mirant power plant in the neighboring Potrero district.*
- ❧ *Energy conservation programs specifically targeted towards Bayview/Hunters Point both as mitigation for the long term pollution from the power plant in the community and to lower the abnormally high energy bills in the community.*



SHUTTING DOWN THE HUNTERS POINT PG&E POWER PLANT POWER GENERATION IN SAN FRANCISCO

The ISO originally forecast that by 2005 San Francisco's peak demand (the peak refers to the highest hours of electricity use) would grow from 946 megawatts to 1145 megawatts. However, the forecast has been changed because of the economic downturn. Peak demand for 2003 is just over 900 megawatts and is now expected to remain under 1000 in 2006.

The City's power is supplied by:

- Two power plants
 - A plant owned by PG&E in Hunters Point
 - A plant owned by Mirant Corporation at the base of Potrero Hill
- Four small power plants, one at Hunters Point and three at Potrero Hill. These are called "peakers" because they are designed to run only at times of peak demand
- Overhead and underground transmission lines along constrained pathways through the Southeastern sector of San Francisco from San Mateo County.

San Francisco is called a constrained transmission area because of its location at the tip of a peninsula. During periods of peak demand, the City can import only 60% of the power it needs over existing transmission lines. Therefore, the California Independent System Operator (ISO) requires that the City operate its own power plants to satisfy grid reliability.

The Hunters Point plant was built in 1929 and is owned by PG&E. It has four units, two of which have already been closed down. The other two run on an "as needed" or "reliability must run" basis when ordered to do so by the ISO. Since 1998 they have produced less electricity each year, accounting in 2001 for only 8% of the City's total use:

- Unit 4 is the second largest power plant in the city (163 megawatts). It dates from 1958 and runs on natural gas. It is a cause of pollution in the environment and is restricted in the amount of Nox emissions it can produce each year.



- Unit 1 (52 megawatts) is one of the City's four peaker plants. It dates from 1976, and runs on diesel, one of the dirtiest forms of fuel. It is restricted to 877 hours of operation a year, at times when the City's load peaks and additional electricity generation is required.

Potrero Hill Plant. PG&E sold this plant to Mirant, an out-of-state-merchant energy company, in 1999, as part of the deregulation process. Mirant wanted to build a new 540 megawatt plant at the site. However, a Board of Supervisor's resolution has made it official city policy to oppose the plant and San Francisco has filed a motion with the California Energy Commission which seeks to delay or halt consideration of the proposal. Mirant has filed for Chapter 11 bankruptcy and suspended (but not cancelled) its efforts to license the new plant. The City has offered to purchase the land from Mirant, hoping to site its own power plants there (see below).

The current plant has four units:

- Unit 3 is the largest power plant in the city (207 megawatts). It dates from 1965 and runs on natural gas. It is restricted in the amount of Nox emissions it can produce each year. Unless it can shut down for retrofitting in 2004 it will not be able to meet these anti-pollution restrictions and will be derated.
- Units 4-6 (52 megawatts) are three of the City's four peaker plants. They date from 1976 and, like the Hunters Point Peaker, run on dirty diesel fuel. They are restricted to 877 hours of operation a year, at times when the City's load peaks and additional electricity generation is required.

Shutting down the Hunters Point PG&E power plant. For years, communities in the southeastern sector of the City have been calling for the shutdown of the Hunters Point plant. In 1998, PG&E and the Mayor signed an agreement to close the plant as soon as replacement power was available. Within one year of shutdown, PG&E agreed to decommission the plant and remediate the site.



The California Public Utilities commission (CPUC) will oversee the shutdown, when and if it takes place. In October, 2003, the CPUC granted PG&E \$65 million for decommissioning and cleanup of the Hunters Point site. Unfortunately, the funds were not restricted to that purpose, so PG&E may use some of the money for other things.

Greater Bay Area Outage Standard. Since the agreement was signed in 1978, the new California Independent System Operator (ISO), which was established as part of the deregulation process, has created a special standard for transmission in San Francisco and the Peninsula, which is not used anywhere else in the State. Called the “Greater Bay Area Outage Standard,” it effects the shutdown by requiring San Francisco to be able meet peak demand even when:

- the largest power plant in the City (Potrero Unit 3) plus one peaker plant in San Francisco and one in Oakland are out of service at the same time as;
- another power plant or transmission line fails or is shut down for maintenance.

The effect of this standard is that the Hunters Point and Potrero Power Plants cannot be shut down until San Francisco can meet this standard with other sources of power.

The ISO also requires that San Francisco has sufficient power to meet load even when:

- Either Potrero Unit 3 or Hunters Point Unit 4 fails at the same time as the other is out of service for regular maintenance; and
- One of the four speaker plants is unable to function. Civil Rights Complaint Against the Continued Operation of the Plant. In June 2003, several community organizations filed federal civil rights complaints, arguing that the ISO and PG&E discriminate against the Bayview/Hunters Point community by keeping the Hunters Point Power Plant open. The two complaints cite the Greater Bay Area Outage Standard, among other things, as a cause for its continued operation. The complaints also charge that the ISO and PG&E have failed to provide the community with correct, clear and timely data on energy generation and transmission in the area.



The complaints were filed at the US Department of Energy, which is in charge of the Federal Energy Regulatory Commission (FERC). FERC will make the ultimate decision whether to allow the ISO to discontinue the “Reliability Must Run” (RMR) contract for the Hunters Point Power Plant.

Electric Resources Plan. In May 2001, the Board of Supervisors unanimously passed the “Human Health and Environmental Protections for New Electric Generation” ordinance which directed the San Francisco Public Utilities Commission and the San Francisco Department of the Environment to prepare an energy resource plan that considered all practical transmission, conservation, efficiency and renewable energy alternatives to fossil fuel electricity generation in San Francisco.

In August 2002, the San Francisco Public Utilities Commission and the San Francisco Department of the Environment officially adopted the Electric Resources Plan which assumes there will be no need for a large central generation plant in San Francisco. In addition, it would:

- Shut down the Hunters Point Plant by 2005
- Develop an agreement with Mirant to environmentally retrofit Unit 3 until such time as San Francisco can generate sufficient replacement megawatts to derate the plant. However, because Unit 3 is privately owned, Mirant is under no obligation to close it down and could refuse to do so.

The City envisions closure of the old plants through:

- reduced energy usage
- conservation
- energy efficiency
- replacement power



- renewable energy (solar panels, wind turbines). Solar panels have already been installed at Moscone Center and are soon to be installed at the Southeast Water Pollution Control Plant
- new clean technology generation
- additional transmission lines including a major new line from the Peninsula into San Francisco known as the Jefferson-Martin project. It has already been recommended by the ISO but is currently in the midst of a lengthy planning and environmental review process. Once the line is in place, it will be possible to bring more power to San Francisco from power plants all around the Bay Area and from as far as Canada and Southern California.

New natural gas powered electricity generators. In January 2003, as a result of a settlement between the State of California and Williams' Corporation over electricity price manipulation, San Francisco was given an option to acquire four natural gas powered combustion turbines to produce electricity. If these turbines are installed, and if a series of transmission upgrades currently under construction are completed, PG&E may be allowed to retire one or both units of the Hunters Point Power Plant.

The community has expressed concerns, however, that the combustion turbines may cause more total pollution than the old PG&E power plant, even though they are cleaner in their operation, because there will be no restrictions on how many hours they can operate each year, as there are for the PG&E plant.

The PUC wants to connect the turbines to one of the four existing substations. The substations are located at:

- Hunters Point
- Potrero Hill
- Larkin Street (at Civic Center)
- 8th and Jessie Streets. One of the turbines may be installed at this location as part of the development of a cogeneration plant. Cogeneration is the production of electricity and heat



from a single installation – the heat created from combustion is captured and used, rather than wasted.

Bayview/Hunters Point residents do not want the turbines in their community. Currently, the City's first choice is the Potrero substation. However, this site is only ten blocks from the PG&E Plant and would still cause pollution in Bayview/Hunters Point as well as, of course, the Potrero Hill neighborhood. It should be noted that there are low-income housing projects with a large population of minority residents only a few blocks up the hill from the Potrero substation.

Once the Jefferson-Martin project is completed, the turbines could be located at San Francisco Airport or as far south as the San Mateo substation.



HRC is very concerned that no other sources of power generation replace the PG&E plant in Bayview/Hunters Point when it is finally shut down. Environmental justice requires that all parts of the city share in both the benefits and the burdens of power generation.

ENERGY CONSERVATION PROGRAMS SPECIFICALLY TARGETED TOWARDS BAYVIEW/HUNTERS POINT BOTH AS MITIGATION FOR THE LONG TERM POLLUTION IN THE COMMUNITY AND TO LOWER ENERGY BILLS IN THE COMMUNITY.

- The San Francisco Department of the environment received \$13.8 million from State funds for mitigation of the long term energy pollution in Bayview/Hunters Point. Some of these funds were granted to non-profit and for profit businesses to run energy conservation programs in the neighborhood. Concerns were expressed at the workshop about the efficacy of these programs and whether they were cost effective in terms of energy savings (dollars spent vs. dollars saved).
- San Francisco Peak Energy Efficiency Pilot Program Project Implementation Plan (PEP). Much of the discussion at the workshop and almost all of the follow up since the workshop has centered around this plan.

The \$16,313,000 million program is intended to help reduce San Francisco's summer daytime and winter evening peak loads by 16 megawatts as part of the overall plan to close down the PG&E Hunters Point power plant by 2005. It is funded by a public goods charge on PG&E bills and was authorized by the California Public Utilities Commission.



PG&E receives and controls the allocation of the funds. However, it partners with the San Francisco Department of the Environment to market the programs.

Initially, the bulk of the money was earmarked for downtown businesses. However, during the workshop, new statistics were brought up which showed that substantial savings could also be made by targeting residential users. California Energy Commission statistics show that energy use in San Francisco is broken down as follows:

- 27% residential,
- 36% office use
- 37% varied commercial uses.

The current PEP allocations are considerably different:

- Combined Business Allocation \$13,210,000 or 81%
- Combined Residential Allocation: \$2,300,000 or 14%
- Combined Business and Residential: \$802,200 or 5%

According to Mr. Richard Esteves of SESCO, in an analysis submitted to the California Public Utilities Commission on behalf of Women Energy Matters and the Community First Coalition, the estimates of the actual residential benefits in the plan are even smaller:

- 2% for single family homes citywide (residents are estimated to pay 40% of San Francisco's utility bills)
- 0.7% for the actual residents of multi-family units, the dominant group in San Francisco's residential sector.

NOTE: the benefits are not the same as the amounts allocated for the programs. The benefits are the amount of savings on utility bills.

The SESCO report suggests that these benefits are so miniscule, at least in part, because the residential program includes expensive measures for which the return is small, such as replacing coin operated washing machines. The major business programs, by contrast, involve replacement lighting, which are extremely cost-effective.



Since the workshop, the amount of money proposed for overall residential programs has not increased but the proposed PEP was adjusted to include both single family homes and multi-family dwellings. It should be noted, however, that much of the portion of the multi-family dwelling program actually provides energy savings for landlords, as opposed to tenants, and should probably be considered as part of the commercial programs. Even without this adjustment, though, the bulk of the allocation, as well as the benefits in terms of reduced energy bills, are still targeted at office and commercial users. In addition, although the PEP commits to focusing its initial residential efforts in the Bayview/Hunters Point area, in mitigation for years of pollution from the power plant, no specific allocation to the community has been made.

Other outstanding issues relate to the fact that:

- Not all housing projects receive power through the city-operated portion of the Hetch Hetchy system. Some tenants pay PG&E for the power for their units.
- All public and Section 8 housing were excluded from the studies that were used to determine energy efficiency targets. The housing studies were based on tax rolls, but neither public housing nor Section 8 housing appear on the tax rolls, thus resulting in an under-estimation of the energy efficiency potential in multi-family housing in low income neighborhoods.
- Bayview/Hunters Point residents complain of abnormally high energy bills. Poor building construction, little insulation, old appliances and/or a need for energy conservation education are typical problems in impoverished communities. PG&E and the Department of the Environment have recently promised to investigate the problem and to combine low-income energy and other PG&E conservation programs with the PEP to create a comprehensive energy conservation program in the area. In an attempt to provide a very minor mitigation, the workshop concluded with an energy give-away.

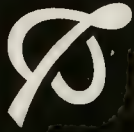


*The Human Rights Commission urges the
Department of the Environment and PG&E to:*

- Increase PEP allocations to residential users in the Bayview/Hunters Point community as part of the mitigation for years of pollution from the power plant.

Currently, the very small amount of money allocated to residents citywide will only allow for the installation of two energy saving light bulbs and a thermostat in each house in Bayview/Hunters Point.

- Consider modifying the PEP, which it understands has yet to receive final approval from the California Public Utilities Commission, to make cost-effective modifications to the plan, to review the residential allocation and benefits proposed in the plan and to explain in more detail the exact level of funding and benefits proposed as mitigation for Bayview/Hunters Point.
- Implement the promised comprehensive energy program for Bayview/Hunters Point:
 - Combine the funds available from the PEP program with those available in other PG&E programs, including those for low-income residents, to maximize the energy efficiencies available to each household.
 - Hold energy conservation and/or bill analysis clinics to determine the reasons for any exceptionally high bills. These clinics would be combined with on-site inspections by PG&E staff as they implement PEP and the other energy efficiency programs.
 - A survey to determine the size of the average residential bill in the neighborhood.
- The Human Rights Commission urges the San Francisco Public Utilities Commission to find a way to locate the new turbines somewhere other than the southeast sector.



Follow-Up

Communication between Bayview/Hunters Point and the City

- In order to implement PEP in Bayview/Hunters Point, HRC has encouraged the Department of the Environment to open up discussion on the implementation plan to all elements of the community and is encouraged by the Department of the Environment's monthly community meetings held for this purpose.
- HRC has a liaison to the Department of the Environment to keep HRC informed of the community's dealings with PG&E and the Department of the Environment and visa versa.

Sources: San Francisco Electricity Resource Plan, San Francisco Peak Energy Efficiency Pilot Program Project Implementation Plan (PEP), SESCO Report, panelists.



WORKSHOP 2: HEALTH

Date: Wednesday, June 25 2003

Time: 1.00 p.m. – 4.00 p.m.

Place: Southeast Health Center

Background: **Cynthia Selmar**, Director of the San Francisco Department of Public Health's African American Health Initiative & Co-Director of the Community Empowerment Center

Panelists: **Rajiv Bhatia**, Director of the San Francisco Department of Public Health's Occupational & Environmental Health & Health Inequities Research Unit

Miriam Chion, Project Manager for the San Francisco Planning Department's Eastern Neighborhood Community Planning Process

Debbie Raphael, Program Manager of the San Francisco Department of the Environment's Toxics Reduction Program

Ina Shalez, Senior Environmental Specialist at the San Francisco Department of the Environment

Moderator: **Karen Pierce**, Department of Public Health, Bayview Advocates

NOTE: This is not intended to be minutes of the workshop. Instead, it is meant to raise the issues discussed at the workshop by compiling information from the panelists, workshop discussions and community concerns well as related information from various related websites and publications. Where applicable, we have tried to include related events and follow up that have taken place since the workshop. The purpose is to further knowledge about the issue of environmental racism in Bayview/ Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.

	AREAS OF CONCERN
	 Air Quality
	 Toxics Reduction Program
	 Land Use and Zoning/Food Security
	 Southeast Health Center
	 Yosemite Slough



AIR QUALITY

There is a strong belief in Bayview/Hunters Point that the air quality is badly compromised and that this contributes significantly to the high level of respiratory diseases such as asthma as well as cancer in the community. The problem is that there is a crucial lack of baseline air quality data, which has long been an area of concern to the residents.

In the last few months, the Bayview/Hunters Point Community Air Monitoring Project, or BayCAMP, has got under way. It is a yearlong project coordinated by San Francisco's Department of the Environment, Literacy for Environmental Justice, the Bay Area Air Quality Management District, the US Environmental Protection Agency, and the California Air Resource Board.

The team will use a high tech air monitoring station to test for a range of airborne pollutants in the City's southeast sector and establish baseline data for general air quality. The equipment can detect the presence of over 70 different types of compounds, including diesel particulates, sewage treatment by-products, nitrogen oxides and other pollutants from the power plant and other industrial facilities in the vicinity.

The project received community input to determine the best location for the air monitoring equipment. This is a controversial issue as there is only one station and the pollutants that it detects will depend on wind patterns and its proximity to potential sources of pollution. The BayCAMP project will provide some baseline data, but more in-depth studies will be needed to provide a complete picture of the air quality in the community. However, the air monitoring equipment can be extremely expensive. The station to be used in this study was loaned by the California Air Resources Board and is very similar to the permanent monitoring station that provides San Francisco data to the state.

Air quality scientists will help analyze the BayCAMP data to try to isolate the air quality problems which cause San Francisco residents in the Bayview/Hunters Point neighborhood to endure higher rates of breast, cervical and prostate cancer, asthma and other respiratory diseases



than the national average. The Department of the Environment has committed to making the data available to the public on a website and through regular newsletters. Community meetings are also promised to keep residents informed about the project and the data collected and to discuss people's questions and concerns.

TOXICS REDUCTION PROGRAM

Precautionary Principle. In June 2003, San Francisco became the first city in the nation to adopt the Precautionary Principle -- a new policy framework originally sponsored by then Supervisor Mark Leno, and widely used in western and northern European countries. It shifts the burden of proof in cases effecting health and the environment from asking, "How much harm is allowable?" to "How little harm is possible?"

The principle urges government to take precautionary measures as soon as science can provide reasonable evidence of harm, even if a fully established cause-and-effect relationship has not yet been proved. In other words, waiting for certainty probably means waiting too long. For example, despite early scientific warnings, a great deal of time passed before society addressed the dangers posed by lead, cigarettes and asbestos. Earlier action could have spared many lives.

In Bayview/Hunters Point, the new ordinance will force government officials to seek safer alternatives to the many toxic, carcinogenic and environmentally destructive practices that can be found in this highly impacted area of the City. The question can no longer be whether a practice is legal (diesel trucks are legal) but whether it is potentially harmful. Decision makers can no longer ask, for example, how much air pollution residents can inhale before science can absolutely prove its connection to respiratory illnesses. Instead, based on the probability that diesel truck emissions are likely to cause harm, the Precautionary Principle requires looking for cleaner sources of sustainable energy immediately.

San Francisco's Departments of the Environment and Public Health are the lead agencies for implementation of this ordinance.



Body Burden Monitoring. The Department of Public Health could be asked to implement a body burden monitoring program in Bayview/Hunters Point.

The goal of body burden monitoring is to help prevent environmental disease by measuring the environmental chemicals in the human body, specifically in blood, urine, serum, saliva, or tissues. It requires the use of analytical methods that are sensitive and specific and can measure chemicals at very low levels, such as parts-per-trillion or parts-per-quadrillion, in the presence of many other chemicals.

Studies examining the relation between industrial exposure and adverse health effects require reliable and accurate data about which environmental chemicals have actually got into the body and at what levels. Prior to body burden monitoring, human exposure information was limited. There are over 60,000 chemicals in the atmosphere and it was hard to determine which was the culprit.

A body burden monitoring program in Bayview/Hunters Point could:

- Measure the individual exposure of residents
- Assess exposure for a health study of the entire population or segments of the population.
- Determine which population groups, such as minorities, people with low incomes, children, or the elderly, are at highest risk for exposure and adverse health effects.
- Assess the effectiveness of public health interventions to reduce exposures.
- Monitor trends in exposure levels over time.

LAND USE AND ZONING

Mixture of Residential and Industrial Land Use. Conflicts over land use in Bayview/Hunters Point have raised very real health concerns. The residents point to the free tourist map distributed all over San Francisco as indicative of the City's feelings about the entire area. The map producer has pasted an advertisement for its company over the neighborhood. In other words, what the eye doesn't see, the mind doesn't grieve over.



In its entirety, Bayview/Hunters Point has both distinct residential neighborhoods and separate industrial areas. Particularly since World War II, however, the area has been a place where incompatible activities often occur in close proximity to one another with no buffer areas. For example, the Southeast Sewage Treatment Plant is located in a street otherwise filled with single family homes. This mixture of residential and industrial uses has created significant land use conflicts in the past, particularly when industrial activities have generated environmental and human health hazards. High volumes of truck traffic associated with industrial activities in the area also pose conflicts in nearby neighborhoods and raise residents' concerns over noise and safety.

These land use conflicts have been particularly pronounced throughout the Bayview's eastern edge, along the waterfront. The area's shoreline has been home to disruptive and sometimes noxious, industrial activities, including the Shipyard, which is a superfund site, and continues to be a site of dumping and neglect.

Community Planning Process. The San Francisco Planning Department, with the support of the Board of Supervisors and the Mayor's office, has launched a community planning process in the Southeast sector. The goal of this process — consisting of a series of workshops and ongoing dialogue — is to develop a set of permanent zoning controls for the area as well as policies and procedures to guide future development.

Third Street. Third Street is the economic hub of the neighborhood, its primary artery.

Currently, however, it suffers from numerous vacant storefronts, empty lots, an overabundance of liquor stores and a lack of necessary neighborhood retail. There is, for example, not a single supermarket in Bayview/Hunters Point. Both Safeway and Cala Foods have briefly located there and left because they lost money. The Department of Public Works, the Department of Public Health and the Port are currently working on a plan to reroute some of the constant and heavily polluting truck traffic.



The San Francisco Municipal Railway (MUNI) Third Street Light Rail Project represents the greatest infrastructure improvement and revitalization opportunity that has taken place in the neighborhood for years:

- The initial phase of the project will provide service along 3rd Street, from the Caltrain station at 4th and Townsend, to the Bayshore Caltrain Station in Visitation Valley. The total length of this project, which is expected to be operational in 2004, will be 5.4 miles and will include 19 transit stops.
- The initial line will eventually become part of the new “central subway,” connecting to downtown and Chinatown via an underground extension.
- In addition to the railway, the neighborhood has been promised a series of needed streetscape improvements such as sidewalk upgrades and landscaping.



Its progress to date, however, has been marred by a complaints from Bayview/Hunters Point residents about failure to hire local residents, an untidy, dangerous and dust-ridden work site and severe economic disruption for 3rd Street businesses.

Zoning and Industrial Use. Large portions of Bayview/Hunters Point are zoned for heavy industrial use even though the neighborhood has one of the highest home-ownership rates in the City (over 50%). Only 7% of San Francisco land is zoned for this use and half of it is in Bayview/Hunters Point.

The Department of City Planning has labeled these industries PDR (Production, Distribution and Repair) and they are located in what is known as an Industrial Protection Zone. Many of these industrial businesses differ from those in other areas of the city in terms of their space needs and scale of activities. The packing and distribution of food and beverage products, for example, requires more space than other industrial businesses. Similarly, construction and transportation businesses need space to accommodate the storage and use of large equipment. Many of the heaviest industrial use occurs on public parcels on Port property.



The Department of City Planning believes that the large, flexible buildings and lots in Bayview/Hunters Point, as well as a wide range of lighter industrial activities, including lighter PDR uses, are vital to the economy of San Francisco as they provide affordable, usable space for a variety of industrial activities, which are also a source of employment in the community. **However, not all these jobs go to residents and their adverse environmental impacts on the neighborhood are largely ignored.**

The Board of Supervisors has recently adopted interim zoning controls for selected parcels along 3rd Street. The controls will rezone heavy industrial areas into Neighborhood Commercial zones which will restrict the heaviest and most intensive industrial uses – those which cause the most environmental hazards for residents. At the same time the new controls will encourage moderate scale retail businesses, service industries, lighter industrial uses and housing. Also under the rezoning plan, some industrial uses will no longer be permitted in close proximity to housing and some may be disallowed outright.

While zoning cannot force builders to build, and zoning and plans do not in themselves create jobs, they can set things up for the type of development a community wants. Some of the vacant parcels on Third Street could be zoned for residential use, for example. In addition, zoning can be used to set the groundwork for the type of services a community requires, such as grocery stores, restaurants, recreational space, community facilities etc. The new zoning plan has to look for the right places for these things.

However, the City needs a long term economic and job creation strategy in Bayview/Hunters Point if the zoning plan is to produce positive change.

Food Security. As mentioned above, there is not a single supermarket in Bayview/Hunters Point. Residents would like the planning process to include a study of ways to attract supermarkets to low-income communities, such as providing incentives, zoning and development agreements. A community-owned supermarket or a public/private partnership is also a possibility.



Living in a neighborhood with no supermarket is a major cause of poor eating habits. Previous studies had made clear that what people eat is limited by what they can afford. But a study, which appeared in a 2002 issue of the American Journal of Public Health, and which was the subject of an article in the San Francisco Chronicle, is the first to establish a direct correlation between access to supermarkets and how well people meet generally recognized guidelines for healthy eating.

According to the study, people who have a supermarket near their home eat more fruits and vegetables and less saturated fat. Among African Americans, for example, the study found that having a supermarket in the neighborhood meant a 32 percent increase in the number of people who ate the recommended five helpings of fruits and vegetables a day. In addition, it raised by 38 percent the number of African Americans staying within the recommended limit for saturated fat.

Currently, there is nowhere to buy healthy food in the neighborhood. A parent wishing to buy weekly groceries, for example, has to travel to the nearest Safeway, two bus rides away at 16th and Potrero, probably with children in tow, and then return home the same way with as many full shopping bags as can be carried. A non-profit group (Literacy for Environmental Justice) currently operates a shuttle to the civic center farmers market, but this involves some of the same difficulties.

The lack of produce and other healthy foods available in corner stores combined with an overdependence on fast foods among youth contribute to obesity, diabetes and in general do not foster a healthy diet and are therefore an issue of public health.

Recreational and Open Space. A portion of the San Francisco Bay Trail has recently been dedicated near Heron's Head Park at India Basin. Mixed-use developments on some formerly industrial port lands could also increase access to the waterfront and provide additional open space and recreational opportunities. Creative reuse of the PG&E site when the plant is finally closed down and of some of the abandoned Port property could present important economic and social benefits to the community in the future.

However, many of these areas are severely contaminated and would require extensive clean up before they would be safe or fit for recreational use.



Housing Developments. Housing represents several problems in Bayview/Hunters Point. One is the health hazards presented by mold, mildew, lead paint and other indoor environmental factors. Obviously, upgrading work is required to solve these issues. Unfortunately, money is generally not available for such work in low-income African-American communities.

Another problem is the availability of housing. There are many boarded up housing units in the area. Many of these are on San Francisco Housing Authority properties. The claim is that there is not enough money to bring the units up to code. Others are privately owned, which is possibly testimony to the redlining practices of financial institutions that are reticent to give financial assistance to African-Americans in lower income neighborhoods.

Developers always wish to build more housing. Since the motive is profit, however, building affordable housing does not always attract a large number of developers. Those developers who want to build in San Francisco have to abide by the City Planning Code which sets aside 10% of each development for affordable housing. This proportion can be increased if the City has reasonable grounds to request this in its negotiations with developers. Amenities to accommodate the new housing and the surrounding community can also be part of the development agreement. This could, include, for example, requiring the developer to lease space to a grocery store and to provide parking and other community and supportive services. The Department of City Planning is currently exploring the concept of a "Public Benefits Zoning" program under which the City might capture some of the value created by zoning change. This could include requiring the developer to provide a public benefit such as open space, community space, streetscape improvements or more affordable housing.

SOUTHEAST HEALTH CENTER

There is community concern about the availability of health services in the neighborhood, and particularly the optimum use of the Southeast Health Center:

- Despite concerted efforts to fill the position of medical director, it has remained vacant for nearly five years.



- Efforts to reach an agreement with Kaiser and other medical insurers to help provide health services at the Center have so far been unsuccessful. Kaiser is of particular concern because a recent community survey indicated that, more than any other private insurer, Kaiser's members in Bayview/Hunter's Point chose to attend the Health Center rather than a Kaiser facility. This is no doubt due to the Center's proximity. However, it further strains the Center's already strained resources.
- Illnesses related to environmental toxicity require specially trained health care workers to properly diagnose and treat them. While Health Center doctors are fully aware of and very sensitive to the unique health problems experienced in this area due to the heavy level of industrial and other types of pollution, other doctors may be less so. Currently, even though the Center is often staffed with as-needed providers, no special training in these conditions is included in DPH's continuing education requirements.

A proposed expansion of the Southeast Health Center is in the planning stage and community needs assessment and feasibility studies are being conducted under the auspices of a grant from the Department of the Environment, with funding to come from the San Francisco Redevelopment agency. The project, which will take about five years to complete, will provide an opportunity to address many of the above issues.

FISHING AT YOSEMITE SLOUGH

Yosemite Slough lies on the western shore of South San Francisco Bay adjacent to Bay View/Hunters Point. Notorious for its long history of significant environmental degradation, the Slough and the surrounding region is marked by heavy industry. Moreover, it is bordered by the 3Com stadium parking lot, and the former Hunters Point Naval Shipyard, each of which serve to contribute diffuse urban and industrial pollution, both through direct runoff and groundwater. As if this were not enough, heavy precipitation events often cause the discharge of untreated sewage directly to the slough through the combined sewer overflow system.

Due to pollution, there is a bay wide fish consumption advisory discouraging residents from eating fish out of the bay more than once a month. However, the conditions in the Slough pose an especial danger to public health. Many of the fishers along the edge of the Slough come from the surrounding area, often from impoverished families seeking to supplement their food budget. High school students attempting to restore the wetlands at the Slough under the auspices of the Yosemite



Watershed Restoration Project, are forced to wear goggles and other protective gear against the PCBs, heavy metals and mercuries that have been found in these same waters.

Large, clearly visible signs warning visitors of the danger should be posted along the shoreline. The current signs are posted too high for most people (atop six foot poles) small (8" x 12" – like this page), too cluttered (warning in multiple languages crammed into the small space available), too hard to read the (type is 12 point – smaller than that on this page) and largely ignored.



Recommendations on Health Issues

- The City should assist the Southeast Health Center to find a permanent medical Director (various incentives may be needed).
- The Department of Public Health should train health workers to identify environmental health issues
- The free map distributed all over the City should include the Southeast sector.
- The Planning Department should conduct a marketing study of Bayview/Hunters Point and study ways of attracting supermarkets to low-income communities. The City should consider providing incentives to attract a supermarket to the neighborhood. A community-owned supermarket or a public/private partnership should be considered.
- HRC should form a task force composed of city agencies working in Bayview/Hunters Point to foster communication and end duplicate efforts. Bayview/Hunters Point should be the first community contacted on issues that effect it. Similarly, Bayview/Hunters Point should sponsor a coming together of various organizations in the community to develop a common agenda.
- Clear, multi-lingual signage should be posted at Yosemite Creek on the dangers of eating fish caught there.



Follow-Up

Communication between Bayview/Hunters Point and the City

- The HRC has sent a letter to Dr. Mitchell Katz, Director, San Francisco Department of Public Health, concerning staffing and other issues of concern at the Southeast Health Center
- The HRC has sent a letter to the EPA, United States Navy, California Department of Parks and Recreation, California Department of Toxic Substances Control, the San Francisco Public Utilities Commission, the San Francisco Department of Public Health and the San Francisco Port Commission concerning signage at Yosemite Slough.
- The HRC has sent a letter sent to Mr. Brian Huber, publisher of Map West Inc. concerning the pasting over of Hunters Point with an advertisement for his company on the free visitor map distributed all over San Francisco

Sources: San Francisco Departments of the Environment and Public Health, Greenaction, San Francisco Bay View Newspaper, Case Study on Asthma in Bayview/Hunters Point, Yosemite Watershed Restoration Project, panelists



WORKSHOP 3: PROTECTING THE SOUTHEAST COMMUNITY FROM INDUSTRIAL DUMPING: POLLUTION, TOXIC ACTIVITIES, NAVAL SHIPYARD, MITIGATION MEASURES

Date: Wednesday, August 20, 2003

Time: 10.00 a.m. – 1.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Carol Bach**, Assistant Deputy Director, Environmental Health & Safety Division,
Port of San Francisco

Saul Bloom, Founder and Executive Director, Arc Ecology, a non-profit, public
interest organization concerned with issues affecting ecology.

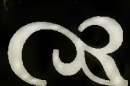
Stephanie Cushing, Department of Public Health, Senior Environmental Health
Inspector, Environmental Health Section, Hazardous Waste Unit, San Francisco
Department of Public Health

Chein Kao, California Department of Toxic Substances Control

Michael Work, Environmental Scientist, Superfund Division, United States
Environmental Protection Agency

Moderator: **Lynne Brown**, Communities for a Better Environment

NOTE: This is not intended to be minutes of the workshop. Instead, it is meant to raise the issues discussed at the workshop by compiling information from the panelists, workshop discussions and community concerns well as related information from various related websites and publications. Where applicable, we have tried to include related events and follow up that have taken place since the workshop. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.

	AREAS OF CONCERN
	 Naval Shipyard
	 Port of San Francisco Land Use
	 Mitigation Enforcement
	 Traffic and Parking



NAVAL SHIPYARD

The 986-acre naval shipyard is a superfund site. During its thirty years of operation, it caused severe environmental degradation in the surrounding environment and the bay and much of this contamination remains today.

Timeline for Cleanup

1974 The Navy closed the yard as a military operation, leaving 8000 people unemployed, and without cleaning up the contamination.

The move left deep resentment among blue-collar workers in Bayview/Hunters Point who found themselves without work, adding economic depression to the environmental degradation the Navy left behind.

1980 The superfund law was passed. However, federal facilities, including military sites, were not covered by the law.

1984 The superfund law was amended to include federal facilities. The Environmental Protection Agency (EPA) was given an oversight role and final say in case of a dispute.

1986 The navy canceled its lease with Triple A, a commercial machine shop that had rented space in the shipyard since the Navy's departure.

The lease was cancelled after Triple A was found to have committed many environmental law violations including improper waste disposal.

Although Triple A was the one accused, many speculated that the toxic waste had also accumulated from years of Navy use on the site.

1988 The Navy began testing soil and ground water for pesticides, metals and other contaminants. By 1991, the testing had fallen so far behind schedule that the delay cost \$3 million in fines.



1989 The full extent of contamination came to light when the Environmental Protection Agency declared two areas in Bayview/Hunters Point Superfund sites and placed them on the National Priorities List. The details of the pollution at this time were:

- Dumping on the ground of poisonous PCBs, polychlorinated biphenyls. PCB was used as insulating fluid in transformers before its manufacture was halted in 1977 when it was found to cause cancer and severe organ damage.
- Dumping on the ground of asbestos known to cause deadly lung damage.
- Disposing of sandblast wastes contaminated with toxic lead and copper at levels three times higher than the regulatory threshold.
- Illegally disposing of petroleum and paint wastes.
- The old radiation defense laboratory site was qualified as a *formerly utilized defense site* (FUD). The United States Department of Defense determines which properties are eligible for Defense Environment Restoration Account (DERA) funding under the FUDS program based on the level of contamination and other issues. Environmental cleanup procedures at FUDS are similar to those at active DoD installations, but are not funded as well.
- Community and press pressure for a complete radiological history started at this time. Between 1946 and 1969, numerous experiments were conducted at the applied radiological research laboratory as well as a series of nuclear weapons tests. Almost more disturbing, much knowledge remains hidden in the past. For example, one mile from the shipyard on Islais Creek is a site once used by the atomic energy commission. Its exact purpose remains vague and it is unknown whether radiological materials were used at the site.

1992 Triple A, was found guilty of violating the California Hazardous Waste Act for 321 days between 1985 and 1987. This marked the first felony case in San Francisco for hazardous waste violations brought under a law passed in 1985.

1993 Congress authorized the Department of Defense to transfer the Shipyard to the City and County of San Francisco under the Base Closure Act.



A federal facility agreement was developed which spells out the relationship between federal and state regulators. Under the agreement, the state cedes oversight to EPA on the naval shipyard superfund sites except when state standards are more stringent.

The San Francisco Board of Supervisors designated the Shipyard as a "Redevelopment Survey Area", prompting the creation of the Hunters Point Shipyard Redevelopment Plan.

- 1997** The Redevelopment Plan was approved by the Redevelopment Agency and the Board of Supervisors.
- 1998** The Redevelopment Agency issued a Request for Qualifications for a master developer to implement the Redevelopment Plan for the entire shipyard, which would plan and create a new community on the site.

Lennar/BVHP, a Miami-based corporation and one of the nation's largest homebuilders, was selected. In recent years, the company has started building new communities on former Department of Defense land.

- 2000** A partial transfer agreement was made whereby the Navy agreed to clean up parcels of land prior to transferring ownership to the city.

Lennar/BVHP presented its Preliminary Development Concept (PDC) for the entire Shipyard. Following public review and comment it was endorsed by the Redevelopment Agency.

In August, a fire in a hazardous waste landfill broke out and smoldered for four weeks. The ATSDR has since declared the smoke from the fire would not pose any long-term health threat but residents were outraged that they were not notified when the fire started.

After the fire, the Navy began construction of a landfill cap over slightly more than the 14 acres where the fire was located, but not over the entire landfill. The cap is designed to



prevent future combustion within the burn area by preventing oxygen from getting into the landfill from the outside.

2002 The Navy and the City announced a Conveyance Agreement for Parcels A and B.

The yard has been divided into six parcels, A through F. This first phase of development includes only parcels A and B.

However, neither parcel has yet cleared either the state or federal EPAs' environmental regulatory requirements. Until this happens, the land cannot be transferred to the City and construction cannot begin.

Parcel A is composed of a hilltop and hillside overlooking the base and the bay, and is designated primarily for housing. It has been removed from the National Priority List. However, a final 'suitability for transfer' determination has not been made.

Parcel B is in the northernmost section of the shipyard and is designated primarily for the sort of commercial development that would create long term jobs for Bayview/Hunters Point residents. It remains on the National Priority List.

This was the first conveyance agreement negotiated between the City and the Navy, although it has yet to be signed:

- It is a legally binding document
- It sets up a timetable for the transfer of all five property parcels based on the extent of cleanup required.
- It commits the Navy to \$120 million in environmental clean-up expenses on Parcels A and B.
- It stipulates that the City will only accept conveyance following certification that the land is clean and safe for development by the U.S. Environmental Protection Agency, the California Department of Toxic Substances Control, the California Regional Water Quality Control Board, and county and city agencies.



2003 The Lennar/BVHP Phase I Conceptual Framework was approved by the Redevelopment Agency on July 22 and will form the basis of the final Disposition and Development Agreement (DDA). If signed, the City will be precluded from considering other development proposals for the entire project, even though the present development agreement only covers the first phase of the project

Development highlights for this first phase include:

- 1,600 Homes for ownership and rental
- An estimated \$30 million community benefits fund
- 6-acre multi-purpose community campus
- 1,000 or more construction jobs
- Space for shipyard artist community
- 300,000 square feet of retail and commercial space providing an estimated 1,000 permanent jobs
- 34 acres of parks, recreation and open space

However, as stated above, State and federal environmental regulators have not yet approved any of the property for transfer. **The result is that although the city is ready to move ahead, the shipyard is not ready for transfer.**

2004 Breaking ground for the development of the first 87 acre parcel (Parcel A) is planned.

The Navy's Historical Radiation Assessment of the shipyard is due for release early in the year. A draft of the report identified more than 100 radioactive substances, some of which remain poisonous for thousands of years, that were used at the shipyard. Since then, Navy officials have found several areas where radioactive material was stored or used, information that will likely be included in the new report.



2005 Parcel B should be cleaned up and ready for conveyance to the City. The land consists of 66 acres previously used for offices, commercial buildings, warehouses, and submarine drydocks.

Residents are concerned, however, that the Navy's cleanup timetable has not been coordinated with the City's development plan. For example, there are concerns that the Navy plans to clean up Parcel D, an area in the center of the shipyard which is not included in Phase 1, before it completes Parcel B. There could therefore be a substantial delay before Lennar/BVHP can actually get started on Parcel B, the development of which will provide long term jobs for the residents.

The remaining five parcels are in various stages of investigation and cleanup:

- Parcel C consists of 79 acres that were used for industrial purposes including ship drydocks.
- Parcel D consists of 125 acres of industrial buildings, ship repair facilities, and a crane.
- Parcel E consists of 135 acres containing a 46-acre industrial landfill which operated from 1958 to 1974. The landfill received liquid chemical waste, asbestos, domestic wastes and refuse, dredge spoil materials, sandblast grit, solvent wastes and low-level radioactive wastes from shipboard radium dials including electronic equipment. The nearest off-site homes are less than 800 feet from the landfill. In the past, the radiological laboratory and bachelor enlisted housing building were located on Parcel E.



There is concern that methane gas is currently migrating off the site. The navy undertook a remedial action by installing a barrier around the edge of the landfill. Methane levels are down but much contamination remains. The state is concerned that the barrier may be leaking and also about ensuring the integrity of the barrier in case of an earthquake.

Neither State or federal regulators will sign off on the transfer of either Parcel A or Parcel B while there are problems like migrating gas in the land around it.



- An Emergency removal action for PCBs was planned after it was found that they had migrated to South Basin..
- Parcel F is made up of 443 acres of underwater property.



The Human Rights Commission is astonished at the constant delays and the difficulty of receiving a clear and coordinated cleanup schedule from the Navy.

The Human Rights Commission is also very concerned at the danger to the health and safety of Bayview/ Hunters Point residents created by Parcel E and finds it hard to understand why, 30 years after the closure of the shipyard, there are still no definitive plans and timelines for its decontamination. It is instructive to compare this thirty years of delay with the already completed cleanup and restoration of Crissy Field in the wealthy Marina District. The difference in outcome is surely a tragic and classic example of the malignant effects of environmental injustice.

PORT OF SAN FRANCISCO LAND USE

The Port of San Francisco is a public agency responsible for managing the 7-1/2 miles of San Francisco Bay shoreline stretching from the Hyde Street Pier to India Basin.

In 1968 the San Francisco Port Authority was created under the Burton Act. Under the act, which gave local control to San Francisco (it had previously been a state agency), the Port's responsibilities include promoting maritime commerce, navigation, and fisheries; restoring the environment; and providing public recreation. All business conducted on Port property must be compatible with maritime uses.

The Port was also advised to encourage Port uses that were environmentally friendly so that the public would not be put in harms way.



Southern Waterfront Land use Plan. The Port has a Master Land Use Plan but is still working on an Environmental Impact Report that will cover the entire 7.5-miles of its property.

According to the master plan, the Southern Waterfront will remain home to most of the Port's cargo and ship repair operations. The plan notes that the area is already developed for such uses, although it is currently mostly abandoned. This is the only planned industrial and maritime use of the waterfront in San Francisco.

Southern Waterfront Area Objectives are as follows:

- *Continue and expand cargo and ship repair operations.*
- *Allow limited non-maritime uses to generate revenues.*
- *Enhance wetlands, public access and open space.*
- *Restore Union Iron Works historic buildings (the current San Francisco Dry Dock).*

The Plan only supports preservation of the area's natural habitat, habitat restoration, public access and recreation areas, provided these are compatible with the continuation of cargo and industrial maritime uses. This is the plan's only concession made to the quality of life of Bayview/Hunters Point residents.

Storm Water Management Plan. In response to recent regulatory mandates, the San Francisco Public Utilities Commission's (SFPUC) Water Pollution Prevention Program has prepared a Storm Water Management Plan for those areas of the City served by separate storm sewer collection systems discharging directly to the Bay, Ocean or other inland waters in order to minimize storm water pollution in these areas.

Waterfront property on the east side of San Francisco, which is owned and operated by the Port of San Francisco, is also served by separate storm sewer systems. The Port has prepared a separate Storm Water Management Plan for its jurisdiction that will be managed independently from the



SFPUC Plan. Although the Port of San Francisco and the SFPUC will administer their storm water programs separately, they will continue to coordinate on issues of mutual concern, including environmental review, guidance for development designs to enhance storm water infiltration and treatment, and administrative procedures for code compliance.

New port leases will require 'smart design' strategies, such as using permeable materials to reduce or delay runoff and mitigation measures for dust control.

Leases. There are still huge sections of abandoned property and debilitated piers along the southern waterfront that are used for illegal dumping, much of which is uncovered and the source of dust and other airborne pollution.

- **Pier 70.** Pier 70 is currently leased to City Tow, the company San Francisco has hired to tow illegally parked cars. It is used to store unclaimed cars and for salvage. The pier is heavily contaminated from its current and former use as an iron works servicing the naval shipyard.
- **Pier 80.** Pier 80 is the only operating container terminal in San Francisco.
- **Piers 90 -94.** For over 8 years there was a huge toxic pile at Pier 92 left over from its previous tenant, Bay Area Tank and Marine, a company which provided underground tank removal services. The pile occupied almost two acres and was contaminated with petroleum hydrocarbon and lead. The State Department of Toxic and Substance Control required the Port to remove the toxic soil at an expense of \$1 million.



These piers are now largely abandoned and the site of much illegal dumping. No less than 600 car tires were recovered from the area during a clean up day in 2002.



Under the master plan they are to become bulk cargo terminals for construction aggregates such as sand, rock and gravel although an effort is being made to restore a natural salt marsh habitat at Pier 94.

- **San Francisco Dry Dock.** The Dry Dock is the last maritime facility at the port. It started life in the 1850s as San Francisco's famed Union Iron Works, building heavy machinery for California's gold mines.

In 1885, as mining waned, it entered the ship building industry and launched the first steel ship ever built on the Pacific Coast. As the years went by, it replaced ship building with ship repair work and focused on Navy as well as commercial ships.

The old Union Iron Works is now called San Francisco Drydock and is part of a larger company called SouthWest Marine.

MITIGATION ENFORCEMENT

The Maher Ordinance. In 1986, the San Francisco Board of Supervisors adopted a contaminated soils ordinance in response to public concern about hazardous materials exposure, particularly on construction sites in filled areas. Most of these areas are along the southern water front.

Elevated levels of metals and organic compounds in many of these filled areas are present in concentrations that require classification as hazardous waste under Title 22 of the California Code of Regulations. These elevated concentrations likely result from the unregulated filling of the edge of the bay with 1906 earthquake debris and with the keels of buried ships.

The ordinance applies to almost all the land in Bayview/Hunters Point. In addition, Bayview/Hunters Point has a large amount of naturally occurring serpentine rock which, when crushed, releases asbestos into the air.



The ordinance, which was spearheaded by then Supervisor Bill Maher, was formally known as Article 20 of the San Francisco Public Works Code and is now Article 22A of the San Francisco Health Code. It requires soil analysis for a specified list of inorganic and organic chemicals at construction sites where:

- at least 50 cubic yards of soil are disturbed and the site is on the bay side of the historic high-tide line or
- there is reason to believe that hazardous waste may be present.

The Hazardous Waste Unit of the Department of Public Health has primary responsibility for implementation of the Ordinance. No construction permit is issued until the Department of Public Health issues an approval letter.

Required Tests for The Maher Ordinance include:

- Inorganic persistent and bioaccumulative toxic substances;
- Volatile organic toxic pollutants
- PCBs;
- pH;
- Cyanides;
- Methane and other flammable gases;
- Total petroleum hydrocarbons;
- Semi-volatile compounds;
- Hazardous wastes (as directed by the Department of Public Health) and
- Any potentially hazardous waste that may have been on the site.

TRAFFIC AND PARKING

There was much discussion at the workshop about the effects of traffic and parking in a neighborhood already inflicted with a high rate of asthma. These negative impacts have been



exacerbated during construction of the Third Street Light Rail. They are also worsened whenever there is a game at Candlestick Park. At all times, however, there is constant truck traffic down Third Street.

Concerns were expressed over the issue of transportation in relation to the development of the shipyard. Continued use of the present entrance would send increased traffic through residential parts of the neighborhood. Surprisingly, there is no immediate plan to link the Third Street light rail to the shipyard site, perhaps because, sadly, completion of the shipyard is still so many years away.

Another possibility would be a southern entrance that would link the shipyard with Highway 101, via either a bridge or an expressway spur. Such a direct transportation link into the shipyard would open the door for commercial development and jobs. However, the adverse health effects of the additional traffic is an issue of concern.



Follow-Up

- The HRC is working on a brochure that will describe the history of the clean up of the naval shipyard. EPA has offered to help.
- The HRC is working on a brochure that will give all the telephone and other contacts for city officials involved in environmental justice, clean up and enforcement.
- The HRC has arranged a meeting through Supervisor Maxwell's office with the MUNI, the Departments of Public Works and the Department of Parking and Traffic. The purpose of the meeting is to discuss pollution and parking problems caused by the Third Street Light Rail project and also football games at Candlestick Park.

Sources: San Francisco Port and Department of Public Health; United States Navy; Francisco Da Costa, San Francisco Weekly; panelists



WORKSHOP 4: SOUTHEAST WATER POLLUTION CONTROL PLANT

Date: Wednesday October 29, 2003

Time: 6.00 p.m. to 9.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Maria Aguilar**, Bayview/Hunters Point resident who has lived on half block from the Southeast Water Pollution Control Plant for 11 years

Don Birrer, Retired former Executive Director of the San Francisco Clean Water Program

Greg Brasewell, IT manager for the San Francisco Department of Public Works, Bureau of Engineering, responsible for the electronic mapping of the City's sewer system

Bill Keeney, Manager of the San Francisco Public Utilities Commission Water Pollution Control Division

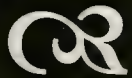
Julie Labonte, San Francisco Public Utilities Commission Infrastructure Development Program Manager and Director of the new Cleanwater Master Plan

Alex Lantsberg, Bayview/Hunters Point resident since 1996 and organizer with the Southeast Alliance for Environmental Justice. He is also on the board of the Alliance for a Clean Waterfront.

Moderator: **Andrew Bozeman**, Southeast Sector Community Development Corporation

NOTE: This is not intended to be minutes of the workshop. Instead, it is meant to raise the issues discussed at the workshop by compiling information from the panelists, workshop discussions and community concerns well as related information from various related websites and publications. Where applicable, we have tried to include related events and follow up that have taken place since the workshop. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.

AREAS OF CONCERN



- ❧ *Why the City's largest sewage plant was built in a residential neighborhood in Bayview/Hunters Point?*
- ❧ *How the City's sewage system works and why sewage from parts of Daly City and all of Brisbane are processed at the plant*
- ❧ *How the plant work and where the noxious odors come from*
- ❧ *New Clean Water Master Plan*
- ❧ *'Good neighbor' communications*



WHY WAS THE CITY'S LARGEST SEWAGE PLANT BUILT IN A RESIDENTIAL NEIGHBORHOOD IN BAYVIEW/HUNTERS POINT?

1971 Wastewater Master Plan. The purpose of the City's 1971 Wastewater Master Plan was to upgrade the City's sewer system in order to comply with the 1972 Clean Water Act. The City completed all major components of the Plan in 1997 at a cost of over \$1.4 billion, and is currently in compliance with all regulatory requirements.

The original idea in the 1971 Plan was to build one sewage plant and to locate it at the site of the present Oceanside plant on land near the zoo belonging to the Recreation and Park department. San Francisco voted approval of the land for this use at that time, although with certain conditions, such as building most of the plant underground, both to provide odor control and to prevent an unsightly industrial facility along the coastline.

Decision to expand the Southeast Plant. The Clean Water Program was established in 1977 to secure funding and implement the Plan. At that time, in order to meet extremely tight federal deadlines, the City was forced to drop plans for the Oceanside Plant. It decided instead to expand the existing Southeast Plant, originally built in 1952, by purchasing the land around it and paying to relocate the existing businesses. In this way, San Francisco met the deadline and EPA agreed to pay 75% of the eligible costs for the new system. The determination of what were, and what were not, eligible costs, could be problematic. The EPA, for example, did not always consider odor control enhancements as an eligible cost.

The Cross Town Tunnel. The 1971 Plan included a cross town tunnel which would have transported the treated effluent across town to be discharged into the ocean. The cross town tunnel was also included in the plan submitted to and passed by the voters in 1972. In the end, the tunnel was never built because of opposition from various neighborhoods, lack of funding and a lack of a significant regulatory compliance issue (discharge into Islais Creek was permitted by the EPA).

The National Pollutant Discharge Elimination System (NPDES) permitting process identifies existing recreational uses and environmental sensitivity and goals of an area, and then sets discharge



parameters to protect these uses. This explains in part why it was decided that the treated effluent would be discharged into the Bay at Pier 80, the site of the City's only container terminal, and reveals the way environmental justice issues compound themselves. It should be noted, however, that the cross town tunnel would not have altered the amount of sewage processed at the plant.

Mitigation. The Southeast Community Facility and greenhouse were built as mitigation measures for the adverse environmental impact of the construction of the Southeast Plant in the neighborhood. In order to force EPA to pay for a part of its \$20 million cost, the City had to have the Clean Water Act amended. However, although these facilities provide great positive benefit, including job skills training, education, and day care facilities, they do nothing to mitigate the odors and pollution from the plant.

Comparison of the Southeast and Oceanside Plants. The Oceanside Plant was eventually built about 15 years after the completion of the Southeast Plant. It is almost entirely underground and is located in an area removed from the prosperous surrounding residential neighborhoods of the Great Highway and Lake Merced. The plant also benefited from later technology. Air is filtered from the enclosed facility through a carbon scrubber before it is released into the atmosphere. Consequently, while few odors escape from the plant, those that do have dissolved into the atmosphere well before they reach populated areas.



The Southeast Plant, by contrast, is almost entirely uncovered, and is right in the middle of a residential neighborhood. Residents complain that they cannot open their windows because of the smell, children studying at the South East Community Facility complain of headaches and, despite control measures taken by the Southeast Plant operations staff, the community is plagued by mosquitoes from the many areas of standing open water along with fears of the West Nile virus.



HOW THE CITY'S SEWAGE SYSTEM WORKS AND WHY SEWAGE FROM PARTS OF DALY CITY AND ALL OF BRISBANE ARE PROCESSED AT THE PLANT

As described in the previous section, the City has two dry sewage treatment plants, the Southeast Plant and the Oceanside Plant. They both provide secondary biological treatment, a process which removes 90% of pollutants from the waste water. The effluent from the Southeast Plant is also disinfected for the inactivation of pathogens.

Combined Sewer System. San Francisco has a combined sewer system which collect both sewage and storm run off in the same pipes. It is one of approximately a 1100 such systems in the United States. Most of the older cities have combined sewage systems as the approach evolved in the late 1800s. The main advantage of a combined system is that the pollutants from rain water are treated or removed prior to discharge into the ocean or the Bay. The disadvantage is that in severe or prolonged storms the system cannot handle all the water with the result that a certain amount of raw sewage (about 6% of the combined flow) is discharged into the ocean or the Bay.

The state imposed facility design criteria to regulate the number of discharges allowed, based on such factors as the nature of waterfront uses close to the areas of discharge. Currently, nearly half the discharges take place on the relatively short stretch of the southeast waterfront:

- 8 discharges are allowed along the Great Highway
- 4 discharges are allowed from the Presidio to the Bay Bridge
- 10 discharges are allowed from the Bay Bridge to Islais Creek
- 1 discharge is allowed south of Islais Creek

How the Sewage gets to the treatment plants. San Francisco sewage flows by gravity from its source in the neighborhoods to a "moat" that was constructed around the edge of San Francisco along the waterfront. The sewage that is to be treated at the Oceanside Plant flows down the oceanside drainage from a divide which runs in a jagged line along a ridge from the Golden Gate Bridge south through the City. This amounts to about 20% of the City's sewage. The remaining



80% of the City's sewage flows down the bayside drainage on the east side of this divide to be treated at the Southeast Plant.

The storage/ transports are huge underground rectangular tanks or tunnels that surround the City like a moat. During wet weather events, up to 193 million gallons of combined sewage and storm water can be stored in these facilities citywide for later treatment.

Storage/ transports have three functions:

1. Capture the Runoff – The storage/ transports catch the combined sewage and storm water at the City's perimeter;
2. Storage – The storage/ transports hold sewage and storm water for later treatment
3. Treatment – The storage/ transports provide treatment consisting of settling and removal of floatable materials prior to shoreline discharge when combined water flow exceeds the system's total storage capacity.

The solids retained in storage/ transports are flushed to the treatment plants after storms. When treatment plants are at full capacity and all storage elements are full and rain continues to fall, shoreline-treated discharges occur. The treated discharge is approximately 6% raw sewage and 94% storm water.

Pump stations are located at various points around the moat. For example, sewage flowing to the Northshore and Channel Pump Station along the Embarcadero is pumped from there through the moat to the Southeast Plant for treatment.

HOW THE SOUTHEAST PLANT WORKS AND WHERE THE NOXIOUS ODORS COME FROM

The expansion of the Southeast Plant began in 1977 and was completed in 1982. It included new facilities to handle secondary biological treatment, the process mentioned above, which removes 90% of pollutants from the waste water. The effluent is also disinfected for the inactivation of pathogens.



In dry weather, the plant handles an average of 65 million gallons per day, which can increase to a maximum capacity during heavy or prolonged storms to 250 million gallons a day. The Oceanside Plant, by contrast, handles a dry weather average of 21 million gallons per day which can be increased to a maximum of 65 million gallons a day in rainy weather.

Preliminary Treatment:

- Sodium hypochlorite (2.5 times stronger than household bleach) is added to the sewage.
- Bar racks and screens remove floating trash and debris
- The sewage flows into grit removal tanks which get rid of heavy debris such as sand, rocks, dirt and gravel. This preliminary debris is then trucked away to a landfill site.

Primary Treatment:

- The sewage flows to primary sedimentation tanks where sludge either sinks to the bottom and is removed or floats to the top and is scraped off.

Secondary Treatment:

- The primary effluent flows to aeration tanks where it is mixed with pure oxygen manufactured on site and with bacteria-filled sludge. The bacteria feed upon the organic matter in the effluent.
- The effluent flows into clarifiers where the sludge is removed. Some is returned to the aeration tanks and some goes to tanks called dissolved air flotation tanks, where the waste solids are thickened.

Disinfection

- The clarified liquid is mixed with sodium hypochlorite to kill any harmful pathogens
- A sodium bisulphite solution is injected into the liquid to remove any residual chlorine that might damage the environment when discharged into the bay.

Solids Treatment

- The sludge from secondary treatment is pumped into tanks where it mixes with the removed primary sludge and scum. It is then pumped to anaerobic digesters.
- In the anaerobic digesters, bacteria are again used to reduce the sludge, this time by digesting solids in the absence of oxygen.



- Methane gas, a bi-product of the digestion process, is burned in boilers and the heat is used to heat the sludge, thereby providing optimum conditions for the bacteria. Excess gas is burned in waste gas flares.
- After digestion, the sludge is biologically stable and is composed of about 97% water and 3% solids.
- The sludge is pumped into centrifuges where it is dewatered. After dewatering, it is called cake and contains about 26% solids.
- The solids - about 160 tons are produced per day - are either trucked to a landfill where they are used as an alternative cover or to farmland where they are used as fertilizer. In dry weather, there are about 9 truck loads a day.

Odors and Odor Control

Unpleasant odors are produced at each stage of treatment and from every area of the plant. The uncovered flotation thickeners produce the worst smells, followed by the open truck bay where the biosolids are dropped through a hopper into the trucks. The excess gas for the digesters sometimes escapes through safety valves and is also extremely malodorous.



The flotation thickeners should soon be replaced with a new technology called gravity belt thickening. The new process will be constructed inside a building and air will be filtered out through carbon scrubbers, which will help to neutralize the odors. Plans are also in process for an enclosed garage bay for the outgoing trucks in which air will also be filtered out through carbon scrubbers. Finally, a new, smaller burner for the waste gas is planned which should reduce the unpleasant odor.

Sewage from Daly City and Brisbane

In the late 1970s, the State Water Resources Control Board (SWRCB) was promoting centralized treatment and it required San Francisco to start treating wastewater generated by the 4 following agencies as a condition for the award of federal funding for the expansion of the



Southeast Plant. These jurisdictions were chosen in part because sewage can flow by gravity from these areas into San Francisco's system.

- Guadalupe Valley Municipal Improvement District (later taken over by City of Brisbane)
- City of Brisbane
- Bay Shore Sanitary District (serves parts of Daly City and Brisbane)
- North San Mateo Sanitary District (may now be managed by Daly City)

The grant condition imposed by the SWQCB requires San Francisco to continue to serve the treatment obligation described above through the useful life of the Southeast Plant. According to the Clean Water Program, the refusal to treat Daly City / Brisbane sewage could lead to breach of contract suits, SWRCB enforcement orders, and, potentially the repayment to the State and EPA of significant portions of grant payments used to construct the treatment plant.

None of the above agencies have a combined system so the Southeast Plant only treats their dry weather flow. The total "outside the City" flow treated at the Southeast Plant is about 0.8 Million Gallons per Day (MGD), which represents approximately 1.2% of the plant's total dry weather flow. The total "outside the City" flow treated at the Oceanside Plant is about 0.7 MGD, which corresponds to approximately 4.4% of the plant's total dry weather flow.

NEW CLEAN WATER MASTER PLAN

The San Francisco Public Utilities Commission is currently developing a new Clean Water Master Plan to be implemented over the next thirty years.

The purpose of the new plan is to develop a long-term strategy for San Francisco's wastewater and storm water management. The plan will address specific system deficiencies, community impacts, public interests and future needs.

To achieve this purpose, the planning process has been divided into three separate but interdependent parts which will take about three years to complete:



- **Planning and Engineering.** The planning and engineering work, which will develop various improvement alternatives, will be initiated in early to mid-2004.
- **Environmental Review.** The environmental review will address the California Environmental Quality Act (CEQA) requirements. It will start about a year later than planning and engineering so that the various improvement alternatives can be reviewed.
- **Public Participation.** Public participation will be coordinated through the Public Utilities Citizens Advisory Committee (CAC) and its Wastewater Subcommittee and promises to solicit community input and feedback on all the alternatives.

The CAC members will be appointed by elected City officials, whereas membership of the Wastewater Subcommittee will be open to everyone interested in participating in the planning process.

One of the first steps of the planning process will be to clearly develop a clear mission statement and define specific goals. This will be done in collaboration with the public. Some of the goals under consideration include:

- Protecting public health and safety;
- Being a good steward;
- Protecting environmental resources;
- Integrating community interests and maximizing public acceptance;
- Providing system reliability and flexibility under all conditions;
- Managing existing assets effectively; and
- Enhancing environmental sustainability by maximizing water conservation and beneficial uses of recycled water, groundwater and biosolids.

Some of the specific issues to be addressed in the master plan itself include:

- separate versus combined sanitary/storm sewer systems
- centralized versus decentralized treatment alternatives



- reduction of combined sewer overflows (CSOs) and treated discharges to San Francisco Bay
- disinfection of treated effluent and combined sewage overflows
- asset management program
- hydraulic deficiencies of collection system
- system vulnerabilities and redundancy needs
- biosolids management (treatment, handling, disposal/reuse)
- system-wide odor controls
- regulatory trends and future improvement needs
- visual impacts
- unconventional and innovative treatment technologies

A significant portion of the work to be conducted as part of the master plan will focus on resolving problems at the Southeast Plant. Specifically, alternatives will be developed and evaluated, and solutions will be selected to address:

1. odor problems
2. solids treatment deficiencies
3. minimize the plant's visual impacts.

Some of the specific options to be evaluated as part of the CWMP to mitigate problems at the Southeast Plant include rerouting wastewater flows to other treatment facilities and moving some treatment processes to another location.

Residents emphasized the importance of including environmental justice as a criteria in the new master plan and that money should not be allowed to be a more important criteria than issues of environmental justice. There was discussion of the need to end the 'pump and dump' approach to sewage treatment in favor of a toolbox of solutions, including landscape and urban design based approaches which use the treated waste water to further an economically sustainable environment.



Examples include:

- Capturing roof runoff to use in gardens
- Separating polluted run off from sewage so the sewage waste water can be used for irrigation
- Neighborhood processing vs. centralized processing
- Aggressive marketing for recycled water. It is difficult to overcome people's distaste for the idea of using sewage water, even after treatment.

'GOOD NEIGHBOR' COMMUNICATIONS

Residents feel that communications with the surrounding neighborhood could be improved. In particular, neighbors would like to understand the Plant's alarm system so as to avoid the needless worry caused by the frequent sirens emanating from the facility.

Residents would also like to be consulted and informed before changes to public access to the facility are made. For example, when a previously open area that was recently fenced off, residents were given no prior notice.



Follow-Up

- Involvement of Bayview/Hunters Point citizens in the CAC and in the Wastewater Subcommittee
- Development of a brochure describing the various alarm systems



5: RECOMMENDATIONS

This is in many ways a time of unprecedented opportunity in Bayview/Hunters Point.

- The first parcel of the Naval shipyard is ready for development
- The new Clean Water Master Plan will provide an opportunity to ameliorate some of the environmental degradation caused by the presence of the Southeast Plant in the neighborhood as well as introduce environmentally friendly recycling methods.
- The Hunters Point Power Plant is due to be shut down in 2005
- Plans are being prepared to upgrade and expand the Southeast Health Center
- The Planning Department is rezoning the neighborhood through a community planning process
- The Port has a plan for the Southeast waterfront
- The Third Street railway line, connecting the community to downtown San Francisco, will encourage investment and neighborhood enhancement

These new developments, however, also bring with them the dangers of displacement and gentrification, as well as broken promises. With all of this in mind, the co-sponsors and members of the core group who ran these workshops urge the Human Rights Commission:

- To forward this report to the San Francisco Board of Supervisors
- To recommend to the Board that it adopt a local version of the Principles of Environmental Justice (see Appendix A)
- To recommend to the Board that it adopt environmental justice legislation for the City and County of San Francisco similar to that contained in Federal Executive Order 12898 (see Appendix B).

This Executive Order, signed by President Clinton in 1994, created an Interagency Group on Environmental Justice to carry out the Executive Order's directive to consult with affected communities, particularly low income and minority populations, and consider issues of environmental justice in all its actions.



APPENDIX A

THE SEVENTEEN PRINCIPLES OF ENVIRONMENTAL JUSTICE. These principles were adopted on October 27, 1991 in Washington D.C. at the first national People of Color Environmental Leadership summit.

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. Environmental justice mandates that the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
6. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.



8. Environmental justice affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right to those who work at home to be free from environmental hazards.
9. Environmental justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
11. Environmental justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. Environmental justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. Environmental justice opposes the destructive operations of multi-national corporations.
15. Environmental justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. Environmental justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and appreciation of our diverse cultural perspectives.



17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to change and reprioritize our lifestyles to insure the health of the natural world for present and future generations.



APPENDIX B

Text of Presidential Executive Order on Environmental Justice

Exec. Order No. 12898

59 FR 7629, 1994 WL 43891 (Pres.)

Executive Order 12898

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

February 11, 1994

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. Implementation

1-101. Agency Responsibilities

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice

1. Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The



Working Group shall comprise the heads of the following executive agencies and offices, or their designees:

1. Department of Defense;
2. Department of Health and Human Services;
3. Department of Housing and Urban Development;
4. Department of Labor;
5. Department of Agriculture;
6. Department of Transportation;
7. Department of Justice;
8. Department of the Interior;
9. Department of Commerce;
10. Department of Energy;
11. Environmental Protection Agency;
12. Office of Management and Budget;
13. Office of Science and Technology Policy;
14. Office of the Deputy Assistant to the President for Environmental Policy;
15. Office of the Assistant to the President for Domestic Policy;
16. National Economic Council;
17. Council of Economic Advisers; and
18. such other Government officials as the President may designate.



The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

The Working Group shall:

1. provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
2. coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;
3. assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;
4. assist in coordinating data collection, required by this order;
5. examine existing data and studies on environmental justice;
6. hold public meetings as required in section 5-502(d) of this order; and
7. develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies

1. Except as provided in section 6- 605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and



low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

- a. promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations;
- b. ensure greater public participation;
- c. improve research and data collection relating to the health of and environment of minority populations and low-income populations; and
- d. identify differential patterns of consumption of natural resources among minority populations and low-income populations.

In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

1. Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.
2. Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.
3. Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.
4. Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects



that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

5. Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.
6. Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President

Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis

3-301. Human Health and Environmental Research and Analysis

1. Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including



segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

2. Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.
3. Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

1. each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
2. In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and



3. Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are:
 - a. subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and
 - b. expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.
4. In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife

4-401. Consumption Patterns

In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance

Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for



evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information

1. The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.
2. Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.
3. Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.
4. The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions

6-601. Responsibility for Agency Implementation

The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.



6-602. Executive Order No. 12250

This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875

This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope

For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions

The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs

Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs

Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General



Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review

This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

William Clinton

The White House,

February 11, 1994.

Exec. Order No. 12898

59 FR 7629

1994 WL 43891 (Pres.)



APPENDIX C

Explanation of San Francisco Peak Energy Efficiency Pilot Program Project Implementation Plan (PEP) Categories:

Residential:

- **Residential Direct Install Program:** PG&E will leverage contacts being made by the Low Income Energy Efficiency Program to identify homes that qualify for the direct installation of a variety of energy efficiency measures including interior hardwired fixtures, compact fluorescent lamps, programmable thermostats, increased incentives for second refrigerator turn in and halogen torchiere turn in/exchange. Special emphasis will be placed on working with CARE participants, seniors and board and care facilities.
- **Multifamily Energy Efficiency Rebate (MF):** Cash rebates will be available for the installation of qualified energy efficiency products in apartment dwelling units and common areas of apartment and condominium complexes. Property owners (and property managers, as authorized agents for property owners) of existing residential multifamily complexes with 5 or more dwelling units may qualify. Rebates will be available to cover installation of hardwired lighting fixtures, programmable thermostats, and coin-operated washers.
- **Residential Case Studies:** SF Environment and PG&E will study residential building types in order to verify San Francisco's residential electric heating peak and how energy efficiency and other measures may be used to manage this peak.

Businesses:

- **Cash Rebates for Business Customers:** Cash rebates will be available for all business customers who replace old equipment with new energy efficient technologies. Rebates are available for



selected equipment in the following categories: lighting, air conditioning, refrigeration, motors, and food service. Reservations are required..

- **Standard Performance Contracts (SPC):** SPC will offer business customers financial incentives based on verified energy savings and demand reductions resulting from custom-designed projects. Any small, medium, large commercial, and industrial customer in San Francisco can apply to the program individually or have a project sponsor (third party) apply on the customer's behalf.
- **Targeted System Energy Audits:** PG&E will provide specialized energy audits to large commercial customers who have a high potential for peak demand reduction. PG&E will survey large commercial facilities and identify energy-saving technologies and projects, including applicable incentive programs to help offset initial investment in energy efficiency measures.
- **Commercial Turnkey Services for Small and Medium Businesses:** SF Environment and PG&E will assist business customers and identify potential energy-saving opportunities. After the survey, SF Environment representatives will help business customers find service providers to install energy efficient equipment and complete paperwork for applicable financial incentive programs.
- **Codes and Standards Support:** PG&E and SF Environments building and planning department will provide energy efficiency review and recommendations on building projects that come to the planning department, promote incentive programs applicable to such projects, and analyze and draft potential energy efficiency ordinances to be considered for adoption for both existing and new buildings.
- **Emerging Technologies:** PG&E will demonstrate several new technologies for peak load reduction at customer sites in the city and promote project results to the applicable customer sectors.



Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Wednesday, July 23, 2003

Ms. Lisa Jackson
OFFICE FURNITURE RESOURCE, INC.
135 Stillman Avenue
San Francisco, CA 94107

Dear Ms. Jackson:

The Human Rights Commission (HRC) has reviewed OFFICE FURNITURE RESOURCE, INC.'s application for certification as an Women/Local-owned Business Enterprise (W/LBE) providing OFFICE FURNITURE. Based on this review, the documentation provided, and the information provided to us, Office Furniture Resource, Inc.'s application is hereby denied. Your firm did not meet the requirement for suppliers to have an inventoried warehouse.

Chapter 12.D.A of the San Francisco Administrative Code and its corresponding Rules and Regulations (section V.) states:

"Local business" or "Local business enterprise (LBE)" shall mean an economically disadvantaged business that is an independent and continuing business for profit, performs a commercially useful function and is a firm that:

(1) Has fixed offices or distribution points located within the geographical boundaries of the City where a commercially useful function is performed. Businesses that supply commodities must continuously maintain warehouses stocked with inventory within the geographical boundaries of the City...

Ms. Jackson does not keep a regularly stocked inventory, though she does have a warehouse. Therefore, your firm cannot be certified as a supplier of office furniture.

For the above stated reasons, your request for certification is denied.

If you have any questions or wish to appeal this determination to the Executive Director, please submit in writing, a request to the Executive Director Ms. Virginia M. Harmon within three (3) working days citing pertinent facts or information.

Should the Director affirm her prior decision not to certify your business, you may appeal that decision to the Commission within three (3) business days of receipt of notice of her decision, pursuant to Rule VII.E. The Commission will then appoint a hearing officer, pursuant to Rule VII.F. to issue a final decision.

Sincerely,

Virginia M. Harmon
Executive Director



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights





Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Monday, November 24, 2003

Ms. Lisa Jackson
OFFICE FURNITURE RESOURCE, INC.
135 Stillman Avenue
San Francisco, CA 94107

Dear Ms. Jackson:

The Director has upheld her decision to deny OFFICE FURNITURE RESOURCE, INC.'s application for certification as a Women Business Enterprise/Local Business Enterprise (LBE/WBE) providing OFFICE FURNITURE. Your firm did not meet the requirement for having a local office in San Francisco. You may reapply for certification in two years.

Chapter 12.D.A of the San Francisco Administrative Code and its corresponding Rules and Regulations (section VI.) state: 2. "The applicant must transact and operate business daily in the San Francisco office..."

The Director and staff met with Ms. Jackson to discuss options to cure her business' non-compliance with certification requirements. Specifically, the business owner must have regular office hours and a local telephone number at which business transactions occur on a regular basis. Ms. Jackson's response was that the landlord's receptionist provides services for her business as well, as part of the lease agreement. However, this is not in their memorialized lease agreement.

Therefore, the appeal is again denied.

You may appeal this decision to the Commission within three (3) business days of receipt of this notice, pursuant to Rule VII.E. The Commission will then appoint a hearing officer, pursuant to Rule VII.F. to issue a final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "VMH", written over a horizontal line.

Virginia M. Harmon
Executive Director



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights



ROGERS JOSEPH O'DONNELL & PHILLIPS

311 California Street
San Francisco CA 94104

415.956.2828
415.956.6457 fax
www.rjop.com

November 10, 2003

By Facsimile and U.S. Mail

Malcolm A. Heinicke, Chair
Human Rights Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102-6033

Re: Appeal of Recertification Denial for JMB Construction

Dear Commissioner Heinicke:

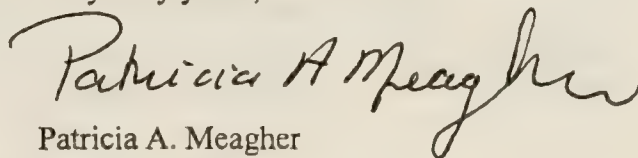
We represent JMB Construction in the matter of its application for recertification as a WBE.

Pursuant to Rule VII.E. of the Human Rights Commission, JMB Construction appeals the denial of JMB's application for recertification as a WBE/LBE. The denial letter was received by JMB Construction on Friday, November 7, 2003, and is attached.

The basis for this appeal is that the Director's finding that "Ms. Burke is a shareholder of Northwest Construction since its incorporation in 2000" is erroneous and not supported by the record.

JMB Construction requests that a hearing officer be appointed to issue a final decision.

Very truly yours,


Patricia A. Meagher

PAM:fyh

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

November 5, 2003

Margaret Burke
JMB Construction, Inc.
150 Executive Park Boulevard, Suite 4400
San Francisco, CA 94134

Dear Ms. Burke:

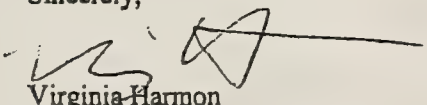
The Director has upheld the decision to deny your firm certification as a LBE/WBE providing GENERAL BUILDING CONTRACTING SERVICES. Your firm does not meet the definition of an "economically disadvantaged business". The amended San Francisco Administrative Code Chapter 12D.A Ordinance in Section 5 (Definitions) states:

"Economically disadvantaged business" shall mean a business whose average gross annual receipts in the three fiscal years immediately preceding its application for certification as a MBE, WBE or LBE do not exceed the following: (1) public works/construction- \$14,000,000;... All businesses owned by married spouses or domestic partners shall be considered under common ownership unless the businesses are in unrelated industries and no community property or other jointly owned assets were used to establish or are used to operate either business."

Ms. Burke and Mr. Burke, a married couple, own construction firms- JMB Construction and Northwest Construction. Ms. Burke is a shareholder of Northwest Construction since its incorporation in 2000. The average aggregate gross annual receipts of JMB Construction and Northwest Construction in the three fiscal years immediately preceding JMB Construction's application for re-certification exceed the public works/construction \$14,000,000 threshold. Also, the three joint federal tax returns submitted for the married couple indicate a tax benefit (jointly owned asset) for Ms. Burke that would still put the firm beyond the threshold amount. Therefore, JMB Construction, Inc. no longer meets the definition of an economically disadvantaged business and as such cannot be certified as a LBE/WBE.

Should the Director affirm her prior decision not to certify your business, you may appeal that decision to the Commission within three (3) business days of receipt of her decision, pursuant to rule VII.E. The Commission will then appoint a hearing officer, pursuant to Rule VII.F. to issue a final decision.

Sincerely,


Virginia Harmon
Director



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
<http://www.ci.sf.ca.us/sfhumanrights>



FINAL DRAFT NOVEMBER 18, 2003

Compliance Rules and Regulations Regarding Gender Identity Discrimination

San Francisco Administrative Code Chapter 12A, 12B, 12C
San Francisco Police Code Article 33



City and County of San Francisco

Human Rights Commission

25 Van Ness Ave., Suite 800
San Francisco, CA 94102-6033

November 18, 2003

TABLE OF CONTENTS

- 1. Purpose**
- 2. Definition of Gender Identity**
- 3. Regulations**
- 4. Examples of Unlawful Gender Identity
Discrimination**
- 5. Guidelines**
- 6. Appendices**

1. PURPOSE:

It is the law and policy of the City and County of San Francisco to eliminate discrimination based on gender identity in San Francisco and in City & County of San Francisco contracting.

The Human Rights Commission developed these guidelines for several purposes:

- To implement the provisions of San Francisco Administrative Code Chapters 12A, 12B, 12C and San Francisco Police Code Article 33 regarding discrimination based on gender identity;
- To provide guidance to employers, businesses, organizations, City departments, and entities contracting with the City and County of San Francisco seeking to comply with the law.
- To educate the public about gender identity law and policy so as to prevent and address discrimination.

2. DEFINITION OF GENDER IDENTITY

Chapters 12A, 12B, and 12C of the San Francisco Administrative Code and Article 33 of the San Francisco Police Code define "Gender Identity" as "a person's various individual attributes as they are understood to be masculine and/or feminine." * Gender Identity therefore includes discrimination based upon an individual's self-asserted gender identity and/or gender expression whether or not different from that traditionally associated with the person's actual or perceived sex as assigned at birth.

[*12A.3(a); 12B.1(c); 12C.2; 33]

3. REGULATIONS

It is unlawful to discriminate against a person in employment, housing, or public accommodations, on the basis of that person's actual or perceived gender identity, or to discriminate against a person who associates with persons in this protected category, or to retaliate against any person objecting to, or supporting enforcement of legal protections against gender identity discrimination in employment, housing, and public accommodations

4. EXAMPLES OF UNLAWFUL GENDER IDENTITY DISCRIMINATION

- A) **EMPLOYMENT:** Includes but is not limited to failure to hire, failure to promote, disparate treatment, unlawful termination, verbal and/or physical harassment, deliberate misuse of appropriate forms of address and pronouns, failure to make a reasonable accommodation when requested by the employee, and/or denial of access to bathroom that is appropriate to the employee's gender identity.
- B) **HOUSING:** Includes but is not limited refusal to show, rent, or sell real property that is available for lease or sale, addition of different or additional terms or conditions in a lease, and refusal to provide services or make repairs or improvements for any tenant or lessee, deliberate misuse of appropriate forms of address and pronouns by the landlord or property manager, tolerating harassment by co-tenants, landlords, or property managers.
- C) **PUBLIC ACCOMMODATIONS:** Includes but is not limited to refusal to provide goods or services, disparate treatment, verbal and/or physical harassment, intentional and deliberate misuse of appropriate forms of address and/or pronouns, and/or denial of access to bathroom/restroom that is consistent with and appropriate to the customer's or client's gender identity.

5. GUIDELINES

- A) **BATHROOMS/RESTROOMS:** Individuals have the right to use the bathroom/restroom that is consistent with and appropriate to their gender identity. The Commission wants to ensure that people of all genders have safe bathroom access. Therefore, the Commission strongly urges that all single-use bathrooms be designated gender neutral (unisex) and that all places of public accommodation and employment provide a gender neutral bathroom option.
- B) **VERIFICATION OF GENDER:** Requiring proof of an individual's gender is prohibited, except in situations where all persons are asked to verify their gender.
- C) **EMPLOYMENT:** When requested by the employee, an employer must make reasonable accommodations for an employee's health care needs, including but not limited to health care provider or counseling appointments, time off to recover from surgery or from a transition-related complication.
- D) **DRESS CODES:** Employees have the right to comply with the gender-specific dress code that is appropriate to their gender identity when employers implement employee dress codes that are gender-specific.
- E) **ONGOING TRAINING AND POLICY COMMUNICATION:** To ensure that employers understand their obligations to maintain a discrimination-free workplace, the Commission recommends that employers require all management, employees, and volunteers to receive training regarding gender identity issues. All agencies, businesses, organizations, City contractors, and City departments are required to clearly and explicitly communicate San Francisco's laws regarding gender identity and other protected categories to all management, employees, and volunteers. In addition, all businesses within the City and County of San Francisco are required to conspicuously post the San Francisco Human Rights Commission employment non-discrimination poster in a place accessible to all employees.
- F) **SEX-SPECIFIC FACILITIES WITH UNAVOIDABLE NUDITY:**
1. All people have an equal and binding right to the access and safe use of those facilities that are segregated by sex. In sex-specific facilities, where nudity in the presence of other people is unavoidable, agencies, businesses,

organizations, City contractors, and City departments shall make reasonable accommodations to allow an individual access and use of the facility that is consistent with that individual's gender identity which is publicly and exclusively asserted.

2. Access and use of a sex-specific facility may not be denied to any individual with an identification that designates the gender they are asserting. If an individual does not voluntarily show identification designating their gender identity, reasonable accommodations shall be made to integrate the individual into the facility that corresponds with the gender identity that the individual publicly and exclusively asserts or intends to assert over a period of time.
3. The Human Rights Commission recommends that alternative forms of gender identification be accepted, such as a letter from a City department, community-based organization, healthcare provider, or counselor.

6. Appendices

- ◆ San Francisco Administrative Code Chapter 12A
- ◆ San Francisco Administrative Code Chapter 12B
- ◆ San Francisco Administrative Code Chapter 12C
- ◆ San Francisco Municipal/Police Code Article 33
- ◆ Introduction and History of Gender Identity Protection in San Francisco
- ◆ List of Municipalities and counties with similar laws



SFHRC LGBTAC Marriage and Family Issues Task Force

Memorandum

To: Human Rights Commission
From: LGBTAC Marriage and Family Issues Task Force (Commissioner Knutzen; LGBTAC members Kirsten Boyd, Tedd Guggenheim, and Lisa Scheff; and staff person Hadas Rivera-Weiss)
Date: November 25, 2003
Re: Commission Approval of HRC sponsored "New Rights for Domestic Partners" Forum

What: At its November 18, 2003 meeting, the LGBTAC voted unanimously to ask the Commission to approve an HRC-sponsored panel presentation plus Q&A designed to explain the rights and responsibilities under:

- new state and city policies regarding equal tax assessments on property transfers between domestic partners
- AB17
- AB205
- Canada and Massachusetts same-sex marriages

Where: LGBT Community Center, Ceremonial Room

When: Thursday, February 12, 2003, 6-8 PM

Panelists: The goal is to invite 3-4 panelists as follows: 1 from the Board of Equalization to address the CA amendments to property tax rules; 1 from the City Assessor's office to discuss the City's new policy regarding property transfers between domestic partners; and 1-2 queer family law and estate planning experts to discuss rights and responsibilities under AB17, AB205, and same-sex marriages.

New College School of Law Professor Ora Prochovnick and Nolo author Frederick Hertz have agreed to participate on a voluntary basis. The two are highly regarded experts on LGBT family adoptions and estate planning.

Possible Co-Sponsors: All Our Families Coalition, BALIF, Board of Equalization, City Assessor's Office, EQCA/MECCA, NCLR.

For Further Discussion:

- 1) Creating resource materials and an inclusive referral list.
- 2) Addressing legal challenges. Opposition is now gathering signatures to place repeal of AB205 on the November 2004 ballot. We should know in March 2004 whether there were enough signatures for the referendum. Also, opposition has filed suit to enjoin enforcement of AB205.
- 3) Funding, at least for use of the space.

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. It begins with the first settlers, who came to the Americas in search of a new life. They found a land of opportunity, but also a land of challenge. The early years were marked by conflict and struggle, as the settlers fought to establish a new society. Over time, the United States grew from a small colony into a powerful nation. It was a process of constant evolution, shaped by the dreams and aspirations of its people. The story of the United States is a testament to the power of the human spirit and the ability to overcome adversity. It is a story of hope and progress, of a nation that has always been looking forward.



sfgov | residents | business | government | visitors | online services | search

Human Rights Commission >> Commission >> Meeting Information



City and County of San Francisco
Human Rights Commission

December 11, 2003 (Canceled)

CANCELED

Regular Meeting

Thursday, December 11, 2003

4:30 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

CANCELED

Attention!

The regular meeting of the Human Rights Commission has been canceled.

A SPECIAL MEETING will be held in its place as follows:

December 10, 2003

5:30 pm to 8:30 pm

Southeast Community Facility

Alex L. Pitcher, Jr. Community Room

1800 Oakdale Avenue

San Francisco, CA 94124

Toni A. Delgado

Commission Secretary

DOCUMENTS DEPT.

JAN 25 2005

SAN FRANCISCO
PUBLIC LIBRARY





sfgov | residents | business | government | visitors | online services | search

Human Rights Commission >> Commission >> Meeting Information



City and County of San Francisco
Human Rights Commission

December 25, 2003 (Canceled)

CANCELED

Regular Meeting
Thursday, December 25, 2003
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

January 8, 2004
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

Toni A. Delgado
Commission Secretary

DOCUMENTS DEPT.

JAN 25 2005

SAN FRANCISCO
PUBLIC LIBRARY



